

North Carolina and Kansas enacted two of the most important state tax reforms of the past decade. Lessons from both states should guide Congress over the next several weeks.

This panel explained what actually happened with taxes and spending in Kansas and North Carolina. The dual lessons illustrate the need for broad rate reductions and spending controls.

[Read More](#)

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Fiscal Responsibility in Higher Education Academy

First Termmer Learns the Issues at ALEC Academy



Representative Susan Beckman is serving her first term as a state legislator in Colorado and is a new ALEC member. We caught up with her at the Fiscal Responsibility in Higher Education Academy at the Antonin Scalia Law School at George Mason University.

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State Budgets

The Williams Report

Bob Williams | State Budget Solutions



Bob Williams give you an around the country look at what is happening in the states when it comes to budgets and pensions.

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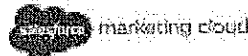


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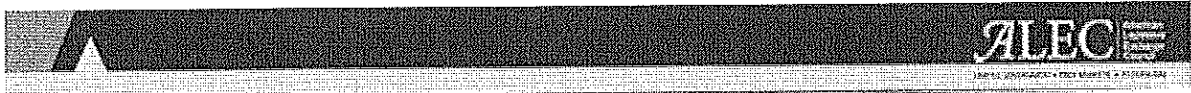
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November 30, 2017

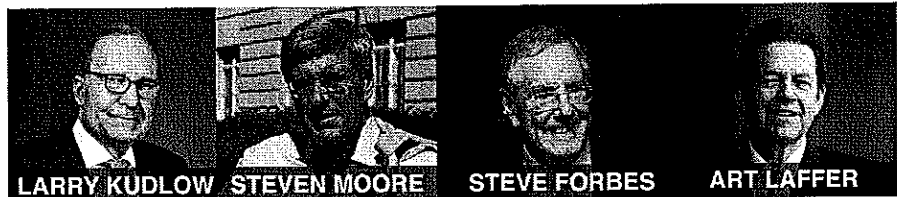
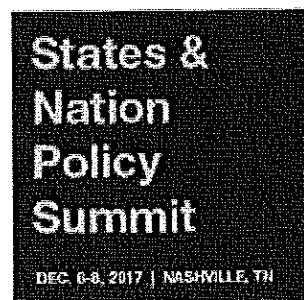


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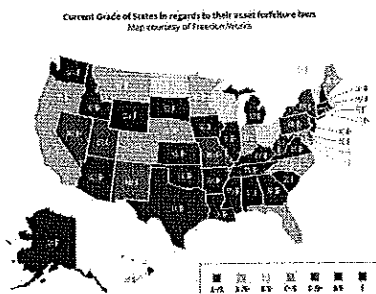


As the December 6th policy meeting gets closer, ALEC has a list of alternate lodging for those still in need of accommodations. This year's event is forecast to be one of the largest. Don't miss out on hearing from political

Register Today



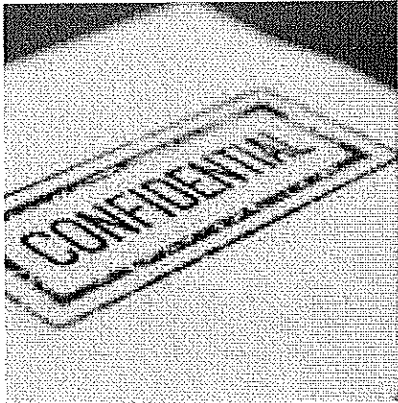
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Check Out Agenda

Free Speech Workshop

Learn about Disclosure Demands that Threaten Donor Privacy



The ALEC Center to Protect Free Speech is dedicated to protecting Donor Privacy and the right for people to support causes without opening themselves up to harrassment and targeting. Come learn about some of the threats to this ideal at the Workshop: Your Name on a Government List, Disclosure Demands that Threaten Donor Privacy, at the ALEC States and Nation Policy Summit.

[Check Out Agenda](#)

Expert Insight

Giving Tuesday: Good Tax Policy Helps Good People Do More Good

Elliot Young | Center for State Fiscal Reform

#GIVING
TUESDAY

Charitable giving does not occur in a vacuum. While an individual's moral beliefs may motivate giving, the actual capacity for one to give is largely a function of income, expenses, and the perceived quality of the available charitable causes. States with higher taxes strongly correlate with less giving, while states with lower taxes tend to see higher rates of giving.

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Newsletter - Edition 59 December 2017

Providing Article V / Federalism News and Scholarly Resources Since 2013

This month...

- **Wisc. Approves 28th BBA-focused Article V Application**
- **Press Coverage of Wisc.'s Action: Wide and Varied**
- **BBA Endorsed by California Gov. Jerry Brown**
- **Guldenschuh End-of-Year Report Tracks Article V Progress**
- **Article V: 'Necessary' to Fix America's Problems**
- **More New Article V-related Papers & Articles of Note**
- **NY Rejects Convention to Amend State Constitution**

- **Article V Advocate Mark Levin to Host Show on Fox News**

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Wisconsin Approves 28th BBA-focused Article V Application –

It was four years in the making. It did not happen easily. Opponents repeatedly used scare tactics and misinformation. But on November 7 it didn't matter. A majority of Wisconsin Senators had studied Article V and become convinced it was the right tool to use to address pressing national fiscal and federalism issues.

= AThe Wisconsin Assembly had approved two Article V-related resolutions and one related bill earlier in the year. Anti-Article V factions were bombarding Wisconsin legislators with demonstrations, e-mails and letters, so the Senate postponed acting while they studied the issues in more detail. Just before the vote Gov. Scott Walker tweeted that he supports the call for a convention.

During the 2½ hour televised November 7 debates on the measures, opponents drew on a litany of orchestrated reasons why an Article V convention was not safe ("it will runaway", "our Bill of Rights will be destroyed", ~~5~~ "We don't know what the rules will be", etc.). A couple opposing Senators virtually shrieked their venomous uninformed disparagements.

Meanwhile Senators David Craig and Chris Kapenga responded to the outlandish criticisms with moderated voices on behalf of the majority. They talked about the devastating consequences of continued unsustainable patterns of federal deficit spending and national debt. Kapenga also referenced the broad public support for a balanced budget amendment. *"People understand you can't run your household at a deficit forever,"* he said. Craig described the debt as the chief threat to national security.

When the votes were taken, all three measures were approved by a 19 to 14 margin. Assembly Joint Res 20 expressed support for a set of rules that require delegates to an Article V convention stick to the purpose for which the states called the convention. Assembly Joint Res 21 is the formal application from Wisconsin for a BBA-focused Article V convention, and Assembly Bill 165 established criteria for appointing delegates to an Article V convention.

With the action in Wisconsin, there are now 28 current live applications (out of the 34 needed) for a BBA-focused Article V convention.

Attorney and recognized authority on the Article V movement, David Guldenschuh, reacted to the passage of AJR 21 by saying, *"Today, the Article V Balanced Budget Amendment movement took another major step toward restoring fiscal responsibility in our country and saving the American dream for our grandchildren."*

Tim Dake, of the Wisconsin Grandsons of Liberty, stated, *"It is extremely gratifying that our Wisconsin state legislature has recognized the fiscal irresponsibility of the federal government and has done their part to save our nation from imminent economic ruin. I strongly commend and thank those state legislators who voted in favor of the resolution for their leadership and their fortitude."*

Press Coverage of Wisconsin's Action was Wide and Varied –

As was expected, Wisconsin publications immediately covered the Article V-related actions of the state's legislature. Groups that have organized to oppose Article V and a BBA are well-funded, and they have influenced many writers. In spite of the influence by those groups, most of the follow-up reports were objective and accurate.

Because Todd Richmond of the Associated Press covered the proceedings, newspapers as far away as Washington, DC, Miami, and San Francisco carried the story. Happily, Richmond's reporting was again objective and accurate. Typical of how these distant newspapers handled the AP report is this [US News & World Report](#).

Even [Esquire Magazine](#) (an outrageously inaccurate piece) and the MSNBC [Rachel Maddow Show](#) weighed-in on the development in Wisconsin. While the Maddow report started out with reasonably accurate information, it immediately turned to statements like *"most proponents are on the far-right fringe. The religious right movement, in particular, has pushed aggressively for a convention."* Then it launched into quotes from so-called experts who warned a convention would be "putting the whole Constitution up for grabs."

BBA Endorsed by California Gov. Jerry Brown –

An article in **The Washington Post**, Democratic Governor Jerry Brown was quoted as saying *"A constitutional convention to propose an amendment to balance the budget is unprecedented, but so is the political paralysis that prevents necessary action."*

In the spirit of candor, readers should be aware that the Post's report was published on January 9, 1979. Brown's full-throated, unqualified endorsement of a state-led Article V convention leading to a federal BBA can be read [HERE](#). At the time of Brown's remarks 22 states had adopted resolutions calling for a BBA-focused Article V convention. Today 28 state legislatures have done so.

While Brown's BBA endorsement is many years old, Democratic US Senator Joe Manchin (W.Va.) has also spoken out about the need for a federal BBA. The Martinsburg, WV **Journal** reports that at an October 27 community town hall Manchin told the audience that, *"The country's biggest threat, is our own profligate spending... soon [to be] measured in 'trillions' rather than billions."*

"We are going to add \$666 billion more debt this year," Manchin said. "By 2027, we're predicting we will be \$31 trillion in debt, if we don't change our ways."

Manchin reportedly suggested that America needs to enact a constitutional balanced budget Amendment to force the federal government to start balancing its own checkbook. *"No matter what they (the federal government) want to do, at the end of the day we've got to make sure they balance the budget at the end of the year,"* Manchin said. Read the Journal report [HERE](#).

Guldenschuh End-of-Year Report Tracks Article V Progress –

Throughout the last couple of years Georgia attorney David Guldenschuh has produced what he calls ***The Article V Convention Legislative Progress Report***. With 2017 state legislative sessions now concluded, Guldenschuh has produced his preliminary end-of-the-year report.

This year he has tracked a total of about 180 pieces of Article V legislation in 40 states. His narrative report, available [HERE](#), also offers his personal take on the recent Phoenix BBA Planning Convention. He also attached the report that he and the other two Georgia delegates to the Phoenix convention submitted to the Georgia legislature. It can be read [HERE](#).

The chart version of the Guldenschuh report takes several factors into consideration and suggests that the [BBA Task Force](#) campaign with 28 state applications is now at 83% of its goal... and the [Convention of States Project](#) with its 12 state applications is at 47% of its goal. The chart, available [HERE](#), also tracks the progress of five other Article V efforts.

Article V: 'Necessary' to Fix America's Problems = 2

On November 10 **Townhall** published an excellent column entitled ***A Convention of the***

States Is Necessary to Fix America's Most Difficult Problems. The author, Chris Talgo of The Heartland Institute, is a former U.S. History teacher.

After ticking off a list of federal problems Talgo says, *"Career politicians have turned Washington, DC into a cesspool of corruption and malfeasance."* He goes on to point out *"It is far-fetched to believe at this point Congress would ever propose an amendment to address the nation's most vexing problems. Amendments that would require a balanced budget or institute term limits seem unlikely to originate from those who believe they would personally be harmed by such proposals. Hence, there is a great need for a convention of the states to propose such amendments."*

While most Americans support common-sense solutions such as a balanced budget amendment or term limits, Talgo warns, *"[A] convention of the states has become a thorny topic due to a concerted misinformation campaign by those opposed to this process... As momentum toward a convention of the states increases, so does fearmongering against it."* Read the entire column [HERE](#).

More New Article V-related Papers & Articles of Note –

--- On November 6 **The Heartland Institute** issued a brief paper entitled ***"State Lawmakers Ready to Follow Up on Amendment Convention Meeting"***? 6 a quick overview of the Phoenix BBA Planning Convention by Michael McGrady. Read it [HERE](#).

--- The November 28 edition of **Investor's Business Daily** carried a thoughtful commentary by Linsdey Stroud, another Heartland Institute staffer. ***"How Millennials Can Help Reduce the Federal Deficit"*** opens with a 1936 quote by former president Herbert Hoover, *"Blessed are the young, for they shall*

inherit the national debt." Read Ms. Stroud's article [HERE](#).

--- On the occasion of the 250th anniversary of ***Letters from a Farmer in Pennsylvania***, Karla Jones of **The American Legislative Exchange Council** published an excellent review of Professor Rob Natelson's five-part profile of the twelve anonymously-penned op-ed 'Letters' author, John Dickinson, one of federalism's early champions. Ms. Jones' review can be read [HERE](#).

The Natelson series, first published by the **Washington Post's** blog, The Volokh Conspiracy, can be read [HERE](#).

--- **The Hill.com** published a Natelson op-ed entitled ***"Let's not waste time reviving the zombie Equal Rights Amendment"***... suggesting that those who want to focus on long-forgotten Constitutional amendment proposals could instead *"campaign to complete ratification of James Madison's original first amendment, which Congress proposed in 1789 as part of the Bill of Rights. Although the requisite number of states have never approved it, unlike the ERA, the original first amendment has no ratification deadline."* Read his op-ed [HERE](#).

--- On November 28 **Ballotpedia.com** reported that during the Nov. 7 election voters (for the second time in a century) approved all 17 state constitutional amendments proposed to them on various state ballots... clear evidence that voters do not fear constitutional amendments. Read the report [HERE](#).

--- Also on November 28 **FreedomWorks** issued an "Issue Analysis" on the

need for a balanced budget amendment to the US Constitution to inject fiscal responsibility at the federal level. Sarah Anderson, author of the report, stressed that *“At the state level, budgets are largely balanced across the board, in traditionally conservative and traditionally liberal states alike. According to the National Council of State Legislatures, forty-nine of the fifty states have effectively balanced budgets.”*

She suggests that *“The extent to which these statutory and constitutional provisions truly require that state governments not spend more than they bring in is debated. Even still, just states’ efforts to do so go far beyond the federal government’s disregard of its problematic patterns of excessive spending.”*

Speaking on behalf of FreedomWorks, Ms. Anderson says, *“We are supportive of the movement for a budget amendment, an ideal component of the larger fight to hold the federal government to fiscally sound, responsible practices.”* Read her report [HERE](#).

NY Rejects Convention to Amend State Constitution –

On Nov. 7 New York voters strongly rejected a measure which would have scheduled a 2019 convention to consider amendments to the NY state constitution. The question about holding an amendments convention is automatically put on the NY ballot every 20 years. The last convention was held in 1967.

A few days after the Nov. 7 election Nicole Gelinas of the **New York Post** wrote that the defeat was due to strong campaigning by government employee unions who were worried that state constitutional changes might imperil their constitutionally-guaranteed pensions.

"But", she says, "public-sector workers should worry less about words and more about numbers. Whenever anyone writes that public-sector pensions are unsustainable, New York union leaders have a rejoinder: The constitution guarantees them."

She pointed out that *"An inflexible constitutional provision stands in the way of small changes that could prevent bigger disaster years or decades later. Government workers may feel more secure after last week's vote. But the constitution isn't made of money."*
Read her piece [HERE](#).

Article V Advocate Mark Levin to Host Show on Fox News –

The Federalist Papers Project has reported that popular radio talk show host Mark Levin will soon be hosting his own TV show on Fox News. *"Life, Liberty & Levin"* will begin in February, airing at 10 PM on Sunday nights.

= ALevin has been closely affiliated with the Convention of States Project (CoSP) since its beginning. It is believed that CoSP and other Article V efforts will receive more exposure as a result of Levin's new show. Read the Federalist story [HERE](#).

CoSP has also released a new 5½ minute video about the proposed Constitutional amendments proposed by that group. The video features a brief address by former US Senator Jim DeMint and was produced in conjunction with Prager University. See it [HERE](#).

A Final Point of Interest...

The idea that terms should be limited for members of the US Congress date back to 1777:

***“...no person shall be capable of being delegate [member of Congress]
= Afor more than three years, in any term of six years...”***

Ironically, these words appear in Article V
of the Articles of Confederation and Perpetual Union.
Today two groups (US Term Limits and the Convention of States Project)
are seeking to use Article V of the 1787 Constitution
to impose Congressional term limits.

This Newsletter is produced by
Colorado State Senator Kevin Lundberg (senatorlundberg@gmail.com)
and New Mexico State Representative Yvette Herrell (yherrell@yahoo.com)
Newsletter Editor - Stuart MacPhail (CitizenAmend@aol.com)

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Kirk Schuring,

I'm a constituent and I am writing to ask if you are attending the American Legislative Exchange Council's "States & Nation" meeting in Denver this week.

I am very concerned about ALEC's influence. ALEC is an organization that has repeatedly put corporate profits above the desire of the American people.

By refusing to become a member of ALEC, you stand with the people you represent. People that play fair and work hard.

Daniel Seiple
danbev22@neo.rr.com
1933 Wynstone Cir ne
North Canton, Ohio 44720

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k.kindel@att.net
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Ending the Environmental Protection Agency's 'Endangerment Finding'

In recent months, President Donald Trump and his EPA Administrator Scott Pruitt have concluded that the threat of catastrophic climate change was grossly exaggerated by the Obama administration and announced the end of the "war on coal." Instead of federal actions designed to destroy America's coal industry and drive up Americans' energy bills, the Trump administration instead is pursuing a strong pro-energy, pro-environment, and pro-jobs agenda. This includes dramatic steps to reverse some of the costly existing environmental policies imposed by previous administrations. ([Check out the Energy Freedom Score Card](#) for specific examples.)

One major remaining hurdle in the way of fixing America's energy policies is the Obama-era "Endangerment Finding." Issued by the EPA in 2009, it claimed that human emissions of carbon dioxide, as well as methane leaks from natural gas production and pipelines, cause dangerous global warming and pose an imminent danger to the health and wellbeing of

Americans. Science proves none of these claims, which is why the Endangerment Finding warrants reconsideration by the EPA.

A task force at this week's American Legislative Exchange Council (ALEC) Summit debated a resolution, drafted by The Heartland Institute, calling for a review of the Endangerment Finding. Heartland's discussions with state legislators, as well as a straw vote of elected officials and conservative think tanks, found a majority of them supported the effort. But after corporate ALEC members, led by ExxonMobil and the Edison Electric Institute (EEI), stacked the meeting room with lobbyists and their well-funded allies in support of the Endangerment Finding, Rep. Piscopo (R-CT) and Heartland Research Fellow Bette Grande agreed to withdraw the resolution and resume consideration next year. (Read the [resolution](#) to review the Endangerment Finding, the [coalition letter in favor of the resolution](#), and the [letter withdrawing the resolution](#).)

"This result is disappointing, but not surprising," said Heartland Institute President Dr. Tim Huelskamp, who served in the Kansas Senate for 14 years. "Big corporations like ExxonMobil and trade groups like EEI have long been members of the discredited and anti-energy global warming movement. They've put their profits and 'green' virtue signaling above sound science and the interests of their customers." While the final decision on the Endangerment Finding will be made by Administrator Pruitt, the effort would benefit greatly from support by the states.

Grande recently reexamined the endangerment finding and concluded it is "flawed." In a [Heartland Policy Tip Sheet](#), Grande wrote EPA's evidence is not backed by science and real-world observations. "Estimates of climate sensitivity to increased concentrations of carbon dioxide appearing in the scientific literature since 2009 have fallen steadily below the estimates used by EPA," Grande wrote.

Grande says policymakers should urge EPA to "reopen and review" the endangerment finding, and Congress should "pass legislation banning the regulation and taxation of carbon dioxide," which Grande says is "against the public good." Grande's conclusion are backed by earlier studies from [The Cato Institute](#) documenting that the EPA "refused to consider or ignored significant refereed science" and the [The Heritage Foundation](#) highlighting the excessive, massive cost borne by small businesses.

What We're Working On

Energy & Environment

Trump Administration Reverses Obama-Era Drilling Restrictions

In this story published by *Environment & Climate News*, H. Sterling Burnett, a senior fellow in environment and climate, reports the Department of the Interior (DOI) announced it plans to rescind a policy implemented under former President Barack Obama that placed large areas of public lands off limits for consideration of oil and gas leasing and development. DOI's policy shift was made in an effort to comply with President Donald Trump's executive order "Promoting Energy Independence and Economic Growth." Among the recommendations made in DOI's 44-page report, DOI proposes eliminating Obama-era mandates designed to prevent oil and natural gas development near areas the federal government says have high natural and cultural resource value. DOI announced it will end the policy by 2018 and will instead use individual resource management plans to guide where energy development will be permitted on public lands. [Read more](#)

Education

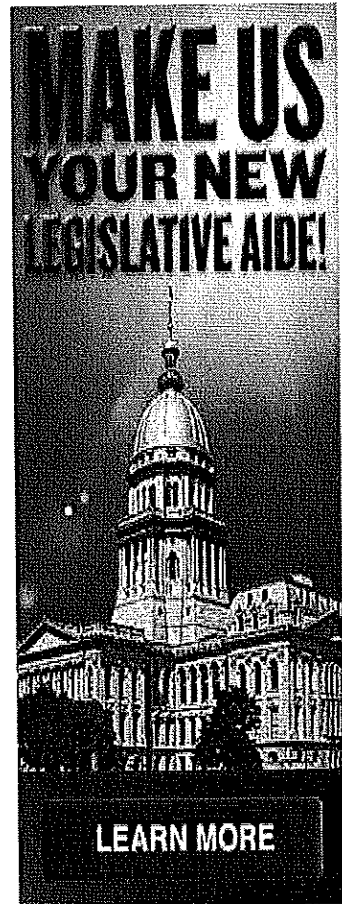
Research & Commentary: Financial Literacy Classes in K-12 Education

In this *Research & Commentary*, State Government Relations Manager Lindsey Stroud examines legislation proposed in several states that would mandate financial literacy coursework. Some of these states are considering bills that would include financial literacy courses as a graduation requirement, while others would direct their state education department to implement financial literacy courses in their K-12 curriculums. The National Conference of State Legislatures defines "financial literacy" as the focusing "on the specific knowledge and concepts consumers need to manage their money and build wealth." [Read more](#)

Budget & Tax

Research & Commentary: Cities and States Considering Increasing Tobacco Age Limit to 21, Regulating ENDS like Tobacco Products

State Government Relations Manager Lindsey Stroud looks at recent state and local efforts to enact legislation that would increase the age required to purchase tobacco and electronic nicotine delivery systems (ENDS) from 18 to 21. Stroud concludes such policies do not deter youth tobacco and nicotine consumption and that treating ENDS in a way that's similar or



POLICY NEWSPAPER

identical to tobacco products in legislation stifles tobacco harm reduction efforts. [Read more](#)

Health Care

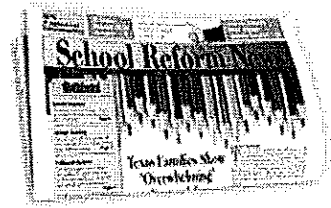
Research & Commentary: Vermont's Certificate of Need Laws Punish Success

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines Vermont's certificate of need (CON) laws and how they hinder the growth of the state's health care market. Glans writes that Vermont has more disruptive CON laws than any other state; Vermont requires medical providers to seek permission from government to expand or add 30 different medical services. The national average is 14. [Read more](#)

From Our Free-Market Friends

Seven Things States Should Monitor in the Federal Tax Bill

Joseph Bishop-Henchman of the Tax Foundation examines the House and Senate tax bills and outlines seven key items state policymakers should be concerned about as the bills progress through the legislative process. [Read more](#)

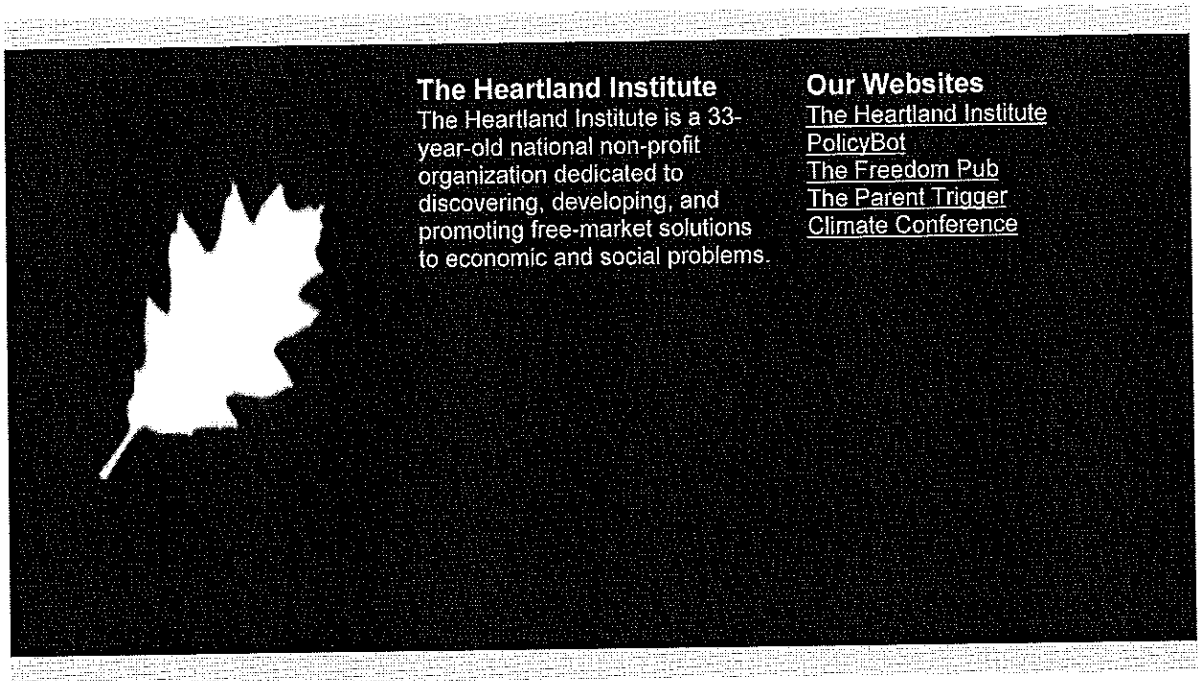


The December issue of *School Reform News* examines a *USA Today* poll finding millennials strongly support school choice. Ashley Bateman writes that this poll supports earlier research by the American Federation for Children which "found 75 percent of millennials support school choice." [Read more](#)

Environment & Climate News

Budget & Tax News

Health Care News



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Attached is a good [Townhall article](#) from a conservative (former law school Federalist Society chair) on why it makes sense to consider the National Popular Vote Compact.

As a former member of the California legislature and former National Chairman of ALEC, I've had an opportunity to discuss this issue with many of you. I just wanted to share this article for your consideration. Please feel free to email or call me with any comments and questions you may have. Thank you for your time and consideration.

Surprisingly, Republicans and Conservatives Shouldn't Fear a National Popular Vote

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By Rachel Alexander
Townhall
December 11, 2017

Republicans are hesitant to switch from our winner-take-all state laws allocating electors to the electoral college to using the National Popular Vote. The National Popular Vote Plan would award all of a state's electors to the candidate who wins the most popular votes in all 50 states. There is a fear that such a move will benefit Democrats, since Democrats won the popular vote even though they lost the elections in

2000 and 2016. But the truth is, Republicans are likely going to lose their ability to win the necessary swing state of Florida in the future, and they can win the popular vote by campaigning differently.

The demographics of Florida are changing. More and more illegal immigrants are entering the country. Additionally, Puerto Ricans are flooding the country due to economic chaos and humanitarian crisis following Hurricane Maria at home. When they enter the U.S., because they are American citizens they can vote, and they vote overwhelmingly Democrat. Hillary Clinton had an almost three-to-one edge among Puerto Ricans in Florida last year. Both illegal immigrants and legal Puerto Ricans are counted in the census which is used for determining how many congressional seats and electoral votes Florida receives. This will soon result in an increase in Florida's electoral votes, which will lean more Democratic as increasing numbers of Puerto Ricans vote (this doesn't even take into consideration possible illegal immigrant voter fraud).

It is true that Democrats Al Gore and Hillary Clinton won the popular vote but lost the election. But those weren't true popular vote elections. The Republican candidates they lost to put all their efforts into a handful of swing states, and did a better job campaigning there than the Democrats. In contrast, Clinton's campaign unwisely campaigned in non-swing states such as Arizona, while ignoring the swing state of Wisconsin. If there was a true popular vote election, the Republican candidates would run a completely different type of campaign, likely focusing on mobilizing their base in rural areas and red states. Regardless, Republicans still won the popular vote in 2004.

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A presidential election using the National Popular Vote is not a radical proposal. Critics contend there would need to be a constitutional convention to amend the Constitution in order to change the state-based, winner-take-all rule that most states use to send their electors to the electoral college. This isn't necessary. The electoral college can remain. All the Constitution says about electing the president is in Article II, "Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors...." In order to change the system, individual states would merely need to revise state law to send their electors based on the National Popular Vote for the presidential candidates instead of winner-take-all. Currently, all states but two,

Maine and Nebraska, have winner-take-all systems to send their electors to the electoral college.

Critics also claim that using the National Popular Vote in presidential elections would favor big cities over rural areas. This isn't correct. Only one-sixth of Americans live in the 100 biggest cities. In contrast, in the current unfair winner-take-all system, only a handful of states decide presidential elections, the swing states. The 10 most rural states aren't included, nor are 12 of the 13 smallest states. The winner-take-all system does not represent the vast majority of Americans. By the time voting results come in from key swing states, many voters on the West coast don't bother voting because their votes essentially don't count. This hurts minor candidates on the ballot in those states.

Under the current system, presidents shower pork on the swing states in order to get their votes. During the 2004 election, President Bush advocated for and got a trillion dollar expansion of Medicare in order to entice votes from the large population of senior citizens in Florida. Presidents take steps to help the coal industry in order to influence Pennsylvania, and the ethanol industry to help Iowa. Battleground states are twice as likely to receive exemptions from No Child Left Behind as fly-over states and twice as likely to have natural disasters declared.

There is another criticism that a rogue state secretary of state could frustrate the National Popular Vote Compact by refusing to certify the results. This is invalid, since plenty of federal and state laws prohibit that elected official from doing so.

Voter fraud will become more difficult under a National Popular Vote, because crooked party operatives will no longer be able to focus their efforts on just a handful of states, and the windfall of electoral votes for their illicit efforts will be smaller. For the same reason, it also reduces the possibility of recounts.

What did the Founding Fathers prefer? Not winner-take-all. The Founders debated various methods of the electoral college and almost adopted the proportional system at the Constitutional Convention. They never debated a winner-take-all system. As the states began to adopt winner-take-all, in order to ensure that their favorite sons like Thomas Jefferson won, Missouri Senator Thomas Hart Benton warned in an

1824 Senate speech, "The general ticket system [winner-take-all], now existing in 10 States was ... not [the offspring] of any disposition to give fair play to the will of the people. It was adopted by the leading men of those states, to enable them to consolidate the vote of the State."

There are a significant number of prominent conservatives who understand what is taking place demographically so they support direct presidential elections. They include former congressmen Tom Tancredo (R-CO), Bob Barr (R-GA), former House Speaker Newt Gingrich (R-GA) and eight former national chairs of the conservative American Legislative Exchange Council.

So far, 11 states have passed laws implementing the National Popular Vote Compact, and it has passed in at least one chamber of 12 other state legislatures, four of which are red states. It will go into effect when enough states have passed it to total 270 electoral votes. When polled (by a left-leaning polling company), 74 percent of Americans support direct presidential elections. This breaks down to 75 percent among Republicans and 78 percent among Democrats. The left naively thinks direct presidential elections will benefit Democrats, assuming that large urban areas will decide elections. This bipartisan support means there is a good chance it will happen.

The purpose of the National Popular Vote bill is to make every voter in every state politically relevant in every presidential election. This is the only way to right size the political influence of battleground states. Clinging to the winner-take-all system is a losing strategy for Republicans. Under that system, they will likely lose Florida by 2020 or 2024 due to demographical changes. It is better to take our chances with a direct presidential election than suffer certain defeat with the unfair, outdated, flawed current system that can and should be reformed.

= A

National Popular Vote, 990 Villa Street, Mountain View, CA 94041

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ital Exchange: December 14,

#ALECIdeas

he Week

ALEC hosted the States and Nation Policy Summit in Nashville, TN. A record-setting number of attendees enjoyed speakers, spirited policy debate and thought provoking workshops. See some of the highlights of our week in M



[View Slideshow](#)

Review

Click At The SNPS General Sessions

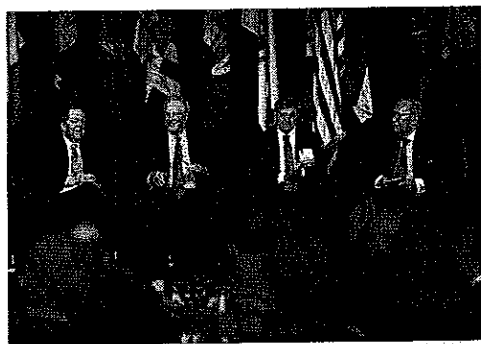


Videos of all of the general sessions at SNPS are available on ALEC.org . Please take a look.

[View Videos](#)

lights

Committee to Unleash Prosperity Discusses Tax Reform, Fiscal Responsibility



The Committee to Unleash Prosperity, consisting of titans of economic business Arthur Laffer, Steve Forbes, Larry Kudlow and Stephen Moore, gave a panel discussion at the States and Nation Policy Summit. The discussion ranged from tax reform to politics and business and provided an excellent starting point on ALEC involvement in fiscal issues this year.

[Watch Panel](#)

Laffer Wins Inaugural Laffer Award for Economic Excellence



ALEC recognized the first winner of the Laffer Award for Economic Excellence, Dr. Art Laffer, at the States and Nation Policy Summit.

Often called "The Father of Supply Side Economics", Dr. Laffer has been a stalwart at ALEC for decades. He is the co-author of *Rich States, Poor States* and a friend and mentor to staff and legislators alike.

[Watch Ceremony](#)

ALEC Recognizes its Stars at Awards Dinner



At the Annual Awards Dinner, ALEC recognized the outstanding contributions of a number of its members over the course of the year. Four members were awarded: Legislator of the Year, Public Sector Chair of the Year, Public Sector Chair of the Year, and Volunteer of the Year. Find out who they are.

[Read Article](#)

cus Gets Off the Ground With its Inaugural Meeting



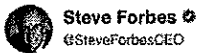
The ALEC Rural Caucus had its inaugural meeting last week. Co-Chaired by Representative Becky Nutt of Arizona and Representative "Doc" Anderson of Texas, the caucus aims to provide a place where legislators representing rural districts can come together to find innovative policy solutions for their areas.

[View Video](#)

40 Characters

Sound Off on SNPS Experience

Twitter: @ALEC_States | Facebook: @alec.states | Youtube: AmericanLegislative



Steve Forbes
@SteveForbesCEO

Follow

On @ALEC_states panel this morning w/ Art Laffer, Larry Kudlow, & Steve Moore on tax cuts. Great, lively discussion—likely bill will do more good than harm! #LafferCurve @StephenMoore @larry_kudlow



Rep. Seth Grove
@RepGrove

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#ALECIdeas Talking budgets, taxes, and TABOR @ALEC_states

Success of @TaxpayersCaucus led to not having massive energy taxes.



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ty makes people happy" "Pro
is pro worker" Supply side
s @Larry_Kudlow @LafferCenter
orbesCEO and @StephenMoore
g #TaxReform @ALEC_States
as #ALECinTN



Brian Kelsey
@BrianKelsey

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Earlier this morning, I was proud to introduce my friend and former colleague @RepDianeBlack to speak at the @ALEC_states 2017 States & Nation Policy Summit here in Nashville!



Charles Tassell
@CharlesTassell

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Very interesting panel! RT @ALEC_states:
@accexchange opioid addiction and civil
asset forfeiture top of mind for local electeds
at policy summit. #ALECideas #ALECinTN

4:33 PM - 6 Dec 2017

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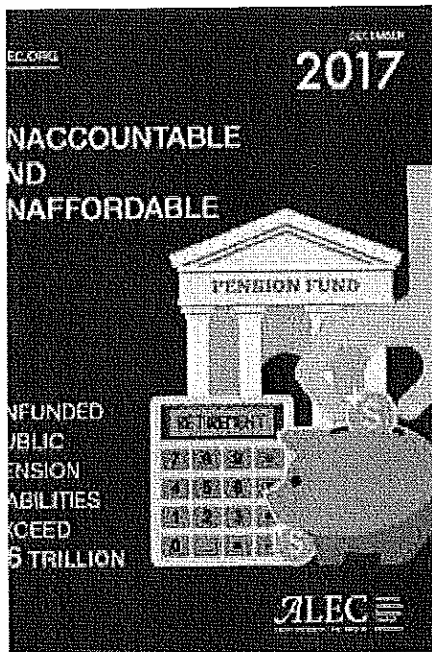
Alan Clemmons
@RepAlanClemmons

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Spending my birthday at @ALEC in Nashville
enjoying policy discussion and debate.
Currently participating in a thought provoking
presentation by equaljusticecoalition.net on
repeal of the 17th Amendment to the US
Constitution, popular election of US
Senators. #ALECinTN #ALECideas

at ALEC

r State Fiscal Reform Rolls Out Unaccountable and Unaffordable 2017

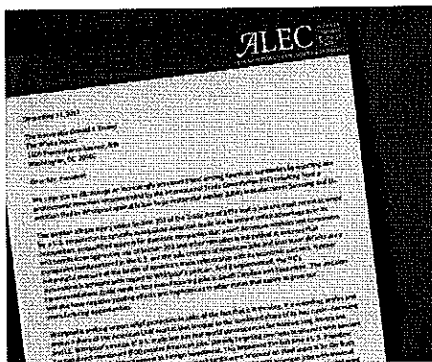


The latest estimate places unfunded public pension liabilities over **\$6 trillion**. Absent significant reforms, unfunded liabilities of state-administered pension plans will continue to grow and threaten the financial security of retirees and taxpayers alike. The resulting fiscal calamity could be far deeper and prolonged than the Great Recession.

Unaffordable and Unaccountable 2017 surveys the more than 280 state-administered public pension plans, detailing their assets and liabilities

[Read Report](#)

State Legislators' Letter to Trump: Protectionism Threatens American Jobs



State lawmakers from nine states signed a letter to President Trump urging his administration to reject protectionist trade policies. The letter urges President Trump to reject any protectionist remedies recommended by the International Trade Commission (ITC). The state legislators who signed the letter hope that President Trump opposes trade protectionism. American jobs depend on

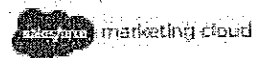
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From: Susan Carleson

Sent: Tuesday, December 19, 2017 9:22 AM

To: Rep48

Subject: ACRU Election Integrity Bulletin: ACRU hosts voting policy and legislative seminar at ALEC

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The American
Civil Rights Union



Voting
Integrity
Institute

The ACRU hosted a voting integrity policy and legislative seminar at the American Legislative Exchange Council (ALEC) winter conference. More details found at the [ACRU Election Integrity Bulletin](#).

LEAD

ACRU Focus: Legislators Not Shy in Pushing 'Model' Bills

At the behest of the American Civil Rights Union, legislators across the nation who belong to the American Legislative Exchange Council could be sponsoring bills in the next couple of years requiring local election commissions to take a closer look at people who miss jury duty. "All we want is honest voting," says Susan Carleson, chairman and CEO of the American Civil Rights Union, which put on a voter integrity

seminar during the ALEC 2017 States & Nation Policy Summit held at Nashville's Omni Hotel.

STATES

Florida: Experts: Broward's elections chief broke law in destroying ballots

The election supervisor in Florida's second-most populous county broke the law by destroying ballots cast in last year's congressional primary.

North Carolina: 12 indicted in Alamance County for voting as felons

Police in North Carolina are seeking people accused of voting in the 2016 general election while still on felony probation or post-release supervision. A grand jury had indicted 12 people for violating state election laws.

New York: Developers Sentenced To Prison for Voter Fraud

A federal judge sentenced a developer to ten months in prison, a year of supervised release, 400 hours of community service and a \$20,000 fine, for the fraudulent registration of voters.

Wisconsin: After Report, GOP leaders of Legislature Calling for Ethics and Elections Leaders to resign

The fate of Wisconsin's Elections and Ethics commission administrators may come down to a highly unusual and dramatic vote in the state Senate. Senate Majority

Leader Scott Fitzgerald says if they don't resign, he will schedule a vote next month to reject their confirmation.

West Virginia: New voter ID law coming to the Mountain State

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A new voter ID law will soon be going into effect in West Virginia. Beginning January 1, the state's new voter ID law will be going into effect.

REDISTRICTING

Supreme Court agrees to hear Maryland redistricting case

The Supreme Court said that it will hear a challenge to Maryland's congressional districts brought by seven Republican voters who say the state's 2011 redistricting violated their First Amendment rights.

The American Civil Rights Union

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<http://www.theacru.org>

<http://www.votingintegrityinstitute.org>

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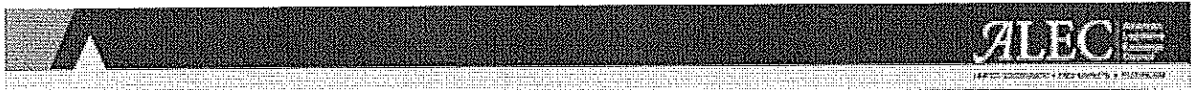
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From: American Legislative Exchange Council
Sent: Tuesday, December 19, 2017 1:18 PM
To: Rep48
Subject: Your Center to Protect Free Speech Updates

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Center to Protect Free Speech Updates December 19, 2017



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Center in Action

Center Director Shelby Emmett Panelist at Washington Examiner's Campus Speech Event

Dan Moran | ALEC Center to Protect Free Speech



Center to Protect Free Speech Director Shelby Emmett joined Dennis Prager, Marcus Fotenos of Turning Point USA and Red Alert Politics Editor Lauren Cooley on a panel discussing the challenges to free speech on campus. The discussion was lively and the questions from the audience were great. See the [ALEC article](#) about the event, the [Washington Examiner's article](#), and the [video](#) of the panel.

Free Speech At SNPS

Free Speech a Major Topic at States and Nation Policy Summit

Daniel Turner, Mike Slabinski | American Legislative Exchange Council



Free speech was a major theme throughout this year's ALEC States and Nation Policy Summit, so the Center to Protect Free Speech was very busy. The Center was hard at work to present opportunities for attendees to gain knowledge through a donor privacy workshop, a campus speech and academic freedom workshop, a commercial speech panel, and a legislative staff training session.

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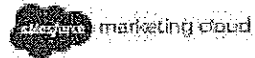


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From: We Are Ohio
Sent: Tuesday, December 19, 2017 4:02 PM
To: Rep48
Subject: Say No To Anti-Worker Legislation

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December 19, 2017

Dear Speaker Pro Tempore Schuring,

As Chairman of We Are Ohio, I am writing to ask you not to sign on as a co-sponsor to Representative John Becker's anti-worker legislation and to oppose Rep. Becker's efforts to hurt working families in your district and across Ohio.

Rep. Becker, we believe, is pursuing an anti-worker agenda pushed by out-of-state interests like the Koch brothers, Americans for Prosperity and the American Legislative Exchange Council (ALEC).

He has outlined six separate constitutional amendments that are all designed to hurt workers, lower wages, decrease safety in the workplace and cause further economic insecurity for the people that you serve.

= 9 On behalf of We Are Ohio, I'm asking you to stand for workers in your district and our state and to stand against these out-of-state parties. I'm sure you would agree that Ohio elected officials should represent the people of Ohio, not out of state interests.

We Are Ohio was formed in 2011 when a similar threat to workers' security was passed by the Ohio General Assembly and signed into law by Governor Kasich. We asked the citizens to veto Senate Bill 5 that year and restore collective bargaining rights to public sector employees, and they responded with historic numbers.

Nearly 1.3 million Ohioans signed petitions to put the citizens veto on the ballot, 17,000 Ohioans volunteered for the campaign and, on Election Day, 2.1 million Ohioans voted to veto Senate Bill 5 by a 62-38 margin.

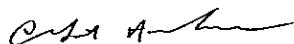
We Are Ohio has remained a force since then. We have held meetings all across the state, have a huge online presence and maintain a database and email list of nearly 1 million voters who agreed with us in 2011.

We believe that the prudent course here is for the legislature to steer away from any anti-worker laws, amendments or ballot initiatives and we ask for your support.

Governor Kasich has acknowledged that such legislation does not attract business to our great state.

I'm respectfully asking you to tell Representative Becker that his ideas are harmful and divisive and that we don't want history to repeat itself.

Sincerely,



= 9 Christopher Mabe
Chairman - We Are Ohio

545 E. Town St.
Columbus, OH 43215

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From: Zielinski, Justin
Sent: Tuesday, December 19, 2017 4:05 PM
To: Rep48
Subject: FW: Say No To Anti-Worker Legislation

From: We Are Ohio [mailto:bounce@bounce.mynp.com] **On Behalf Of** We Are Ohio
Sent: Tuesday, December 19, 2017 4:02 PM
To: Zielinski, Justin <Justin.Zielinski@ohiohouse.gov>
Subject: Say No To Anti-Worker Legislation

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Sincerely,



Christopher Mabe
Chairman - We Are Ohio

We Are Ohio
545 E. Town St.
Columbus, OH 43215

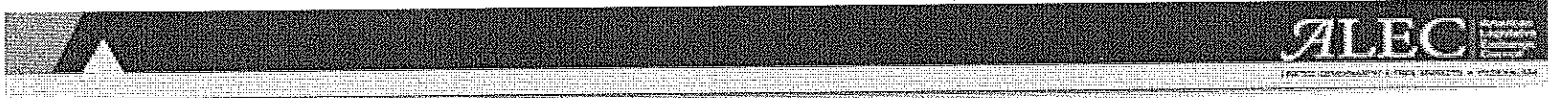
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Subject: CEO Update: 2017, The Year of Free Market Policy

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Dear Members,

Without a doubt, 2017 has been a great year for free market policy and for ALEC. Fiscally responsible, free market victories across the states will continue to grow a healthy economy and protect hardworking taxpayers. From right to work in Kentucky and Missouri to pension reform in Pennsylvania, ALEC members are paving the way for more freedom and prosperity in the 50 states. By engaging ALEC alumni in congress with a clear federalism message, ALEC members raised their voice in favor of eliminating the State and Local Tax Deduction and joined the advisory council of the House Bipartisan Task Force on Intergovernmental Affairs to advance the roll of states in national policy.

Under the leadership of 2017 chairman Indiana Senator Jim Buck, ALEC welcomed record numbers of participants to both the Denver Annual Meeting and the States and Nation Policy Summit held two weeks ago in Nashville. Over the year, we hosted state legislators with innovative policy solutions; cabinet secretaries, governors and members of congress and leaders in media, business and research. At nine academies, legislators focused in on issues including fiscal policy, healthcare and energy innovation, and education funding. And, this ALEC policy leadership drove more interest and participation in our exchange. This year we welcomed 315 new legislators and 36 new private sector members.

ALEC has winning ideas because they come from you. In 2017, the Homeland Security working group became a task force and members started a rural caucus with the intention of growing it into a major ALEC program. With 2018 and the mid-term election on

the horizon, look to ALEC for innovative policy solutions and partnership with leading researchers and industry experts.

On January 1, 2018, ALEC will begin its 45th Anniversary Celebration with new leadership from 2018 chairman North Carolina Representative Jason Saine. As you read this, think back on how ALEC has made an impact on you personally. What can you do to help commemorate ALEC in your state or to help grow the organization, so it remains strong for generations to come.

Now is the time to bring your colleagues and counterparts into the ALEC family. ALEC is where the action is; where debate happens, and where ideas are tested. As proven by *Rich States, Poor States* — now in its 10th edition — and so many other ALEC studies, states with sound free market policies have the winning recipe for growth and opportunity... Just look at Indiana and North Carolina, the homes of our 2017 and 2018 chairman.

Please share this message with your friends. We want more legislator and private sector partners to contribute to and benefit from the robust exchange at ALEC. Linked below are highlights from the year to help you tell your ALEC story.

Happy holidays and here's to a great 2018.

Sincerely,

= 9

Lisa B. Nelson

Chief Executive Officer

American Legislative Exchange Council

ALEC Year in Review Slideshow



2017 has been a great year for ALEC and its members. Take a look back through this slideshow and celebrate another year of limited government, free markets and federalism.

[View Slideshow](#)

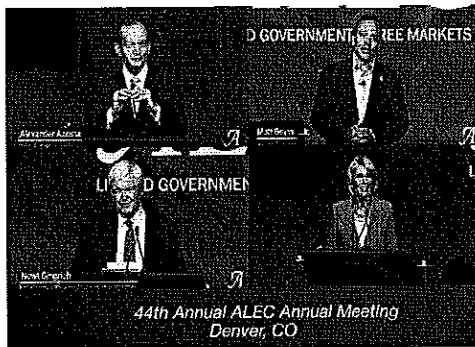
Speakers From the States and Nation Policy Summit



Speakers at the States and Nation Policy Summit included: Governor Bill Haslam, Honorable Ken Cuccinelli, Dr. Arthur Laffer, Stephen Moore, Steve Forbes, Larry Kudlow, Allie Stuckey, Senator Dr. Mark Green, Congresswoman Diane Black, Senator Wayne Niederhauser, Dr. Trent Kaufman, Matt Shaulis, Councilwoman Ellen Troxclair, Representative Jason Saine and ALEC Chief Economist Jonathan Williams.

[View Videos](#)

Speakers from the 44th ALEC Annual Meeting



Speakers from the 44th ALEC Annual Meeting included: Secretary Betsy Devos, Secretary Alexander Acosta, Governor Matt Bevin, Newt Gingrich, Pete Coors, Darcy Olson and Guy Benson.

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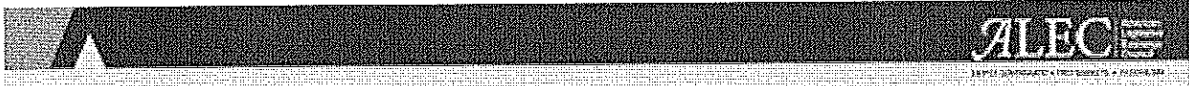
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Subject: The Leaflet: The \$6 Trillion Albatross Around States' Necks

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The \$6 Trillion Albatross Around States' Necks

America's many public pension problems are well known to those involved in public policy, but the issues might be even worse than previously believed. Researchers at the American Legislative Exchange Council (ALEC) report in a new study, titled *Unaccountable and Unaffordable 2017*, unfunded public pension liabilities (the amount of present liabilities that exceeds current assets) total more than \$6 trillion across the 50 states. That amounts to \$18,676 for each U.S. resident. This is due to many factors, including low contribution rates, overly generous benefits, automatic cost of living adjustments (COLAs), unrealistic assumed return rates, and states borrowing too much money to cover other expenditures. The ALEC study examines more than 280 state-administered public pension plans and reports each state's unfunded pension liabilities using a realistic assumed rate of return of 2.142 percent on investments—instead of the 7.34 unweighted rate averaged from states' current plans. Three metrics used to judge the health of states' pension systems are highlighted: total unfunded liability, unfunded liabilities per capita, and the funding ratio—the most important measure.

According to ALEC, with a funding ratio of 61.5 percent, Wisconsin has the best managed pension system. Second in line is South Dakota, at 48.1 percent. The researchers attribute Wisconsin's relatively high funding ratio to the state's hybrid pension model, which includes

elements of both a traditional defined-benefit plan and a defined-contribution model. Retirement plans in the private sector are usually defined-contribution plans, such as a 401(k) or 403(b), which rely heavily on stock market performance and other financial instruments.

The three least-funded states in the study are Illinois (23.3 percent), Kentucky (20.9 percent), and Connecticut (19.7 percent). Each of these states experienced a dip in their funding ratios compared to 2016. Connecticut's dead-last ranking is not surprising. It is "one of four states to set retiree benefits through collective bargaining and is unique in that the legislature does not have to consent to contracts for them to go into effect." The state also uses an assumed rate of return of 8 percent, which paints an extremely unrealistic picture of the pension system's financial solvency.

Kentucky Gov. Matt Bevin (R) has expressed interest in ending the use of defined-benefit pensions in his state. He would replace them with 401(k)-like plans for new public employees and current ones who choose to transfer their old pensions. Bevin has also proposed lowering the assumed return rate, which is currently 6.75 percent. Low investment returns, COLAs, and state contribution shortfalls primarily led to Kentucky's pension crisis. The pension problems were partially addressed by the state's 2013 bi-partisan reforms, which the Bluegrass State is likely to consider reforming again in 2018.

Illinois is the third-least-funded state and has the third-largest unfunded liability debt, which now totals \$388.342 billion, according to ALEC's calculations. A bill has been proposed in Illinois to create a defined-contribution retirement plan for new state employees hired after June 30, 2018, and current employees who wish to move their pensions into the new model. An opinion poll of Illinoisans shows 78 percent of respondents favor letting current state workers enroll in a 401(k)-style plan and 60 percent favor *requiring* new state workers to enroll in a 401(k)-style plan.

In a *Research & Commentary*, Heartland Senior Policy Analyst Matthew Glans explains why states must begin to make drastic changes to their public pension liabilities and not wait until it's far too late to address pension problems. "Kicking the public-pension can down the road would only serve to delay the problem, and increasing taxes and ignoring the core problems created by defined-benefit systems would only ensure the pension system will never become solvent. Comprehensive reforms that allow governments to better manage employee retirement costs are desperately needed, both in Illinois and across the country," Glans wrote.

What We're Working On

Energy & Environment

Nebraska Approves Last Segment of Keystone XL Pipeline

In this article for *Environment & Climate News*, H. Sterling Burnett, Heartland's senior fellow on environmental policy issues, writes about the Nebraska Public Service Commission's (NPSC) approval of the final segment of the \$8 billion Keystone XL Pipeline. With NPSC's 3-2 decision, the Keystone XL Pipeline cleared its final regulatory hurdle after an arduous nine-year struggle. Despite the fact the permits have been granted, questions remain about whether the final segment of Keystone XL will be completed. For much of the time the pipeline was under consideration, oil prices exceeded \$100 per barrel. With oil now hovering around \$50 per barrel, it is unclear whether the pipeline still makes economic sense.

Education

Chronic Public School Teacher Absenteeism Underscores Need for School Choice Options

In this *Research & Commentary*, Policy Analyst Tim Benson writes about a new Fordham Institute report that found one out of every four teachers (28.3 percent) at traditional public schools across the United States are "chronically absent," meaning they are out of the classroom for sick or personal leave at least 10 days in a typical 180-day school year. In Florida, more than 40 percent of traditional public school teachers are chronically absent. Even worse, more than 50 percent of Nevada traditional public school teachers and a staggering 79 percent of Hawaii traditional public school teachers are chronically absent.

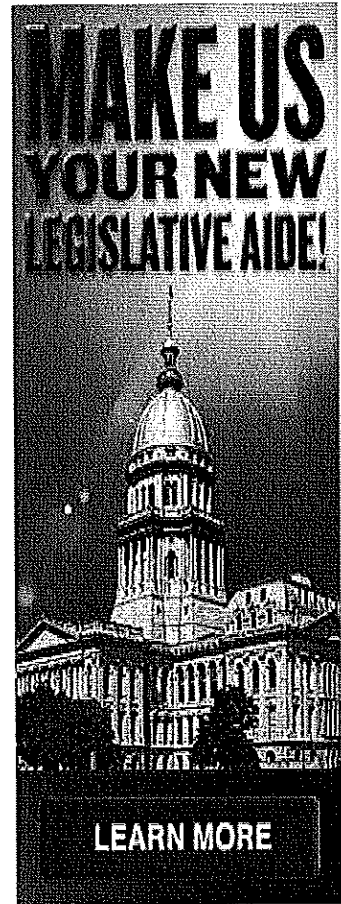
Health Care

Research & Commentary: Arizona Seeks Medicaid Waiver to Install Work Requirements

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines Arizona's effort to use Medicaid waivers to add work requirements and time limits to its Medicaid program. "Implementing Medicaid work requirements would be a good first step for Medicaid-expansion and non-expansion states toward helping to limit the rising costs of Medicaid," Glans wrote.

Budget & Tax

Research & Commentary: Iowa Needs Pension Reform



POLICY NEWSPAPER

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines the need for comprehensive pension reform in Iowa. "Hybrid [pension] models do not eliminate all the problems of defined-benefit plans, but they do limit the rapid growth of liabilities in the future. Iowa policymakers should consider using hybrid plans as a viable model for reforming state workers' pensions," wrote Glans.

From Our Free-Market Friends

Free Speech on Alabama Campuses

In "Free Speech on Campus in Alabama," the Alabama Policy Institute (API) explores problems and solutions related to free speech on college campuses located in the state. Fourteen colleges and universities in Alabama were either given a "red light" or "yellow light" rating from the Foundation for Individual Rights in Education (FIRE) for having policies that prohibit speech. None were given a green light. The difference between "red light" and "yellow light" schools is that red light colleges apply more severe and broader restrictions on speech. API recommends university administrations explicitly state their support for freedom of speech on campuses, and it calls for state legislators to pass legislation safeguarding First Amendment rights for all college students.



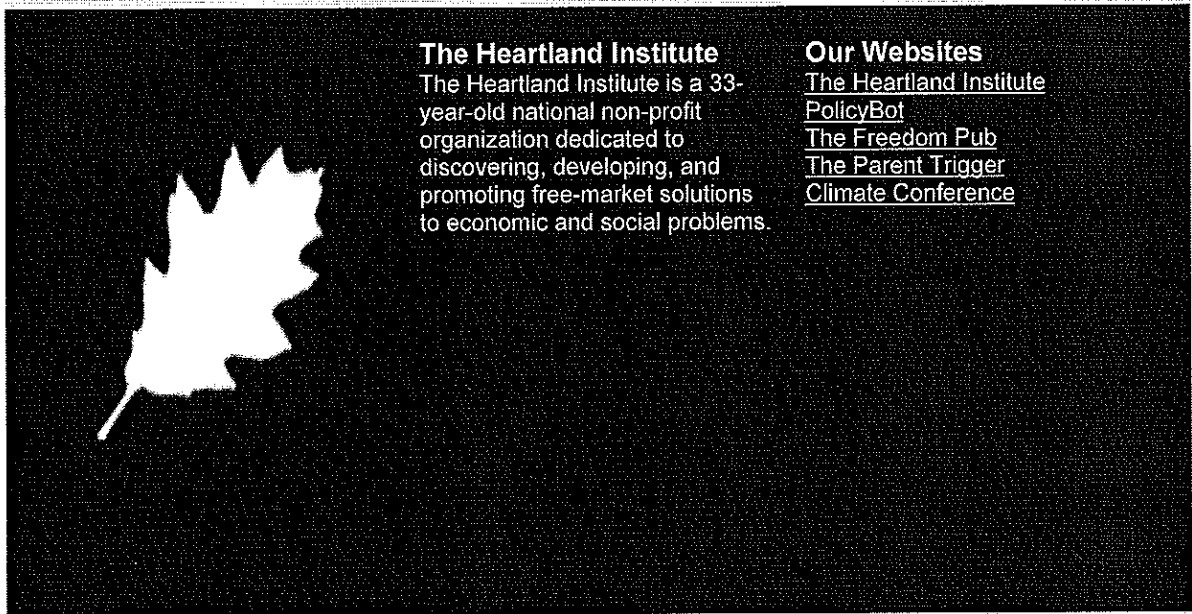
In the January issue of *School Reform News*, Jenni White reports on the continue widespread use of Common Core State Standards (CCSS) despite public resistance. Activists and analysts say replacement standards have been nothing more than a rebrand of Common Core. An Abt Associates study analyzing nine CCSS revisions confirms nine states kept their standards intact.

Environment & Climate

News

Budget & Tax News

Health Care News



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The Heartland Institute is a 33-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.

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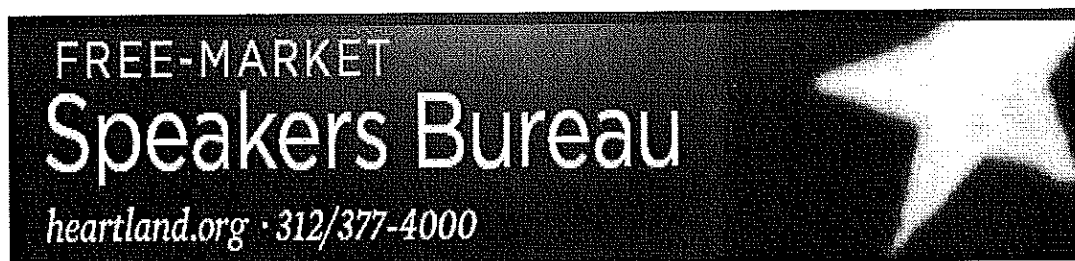
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The Heartland Institute's senior fellows, managing editors, and senior staff make outstanding speakers at public events. We feature some of the nation's most knowledgeable and dynamic free-market public policy experts.

Heartland's speakers write thousands of articles each year, ranging from op-eds in major U.S. newspapers to in-depth policy studies and books. They appear frequently on television on CNBC, Fox News, CNN, and PBS, and on the opinion-editorial pages of *The Wall Street Journal*, *Washington Times*, *Investor's Business Daily*, and many more. They also testify frequently before Congress and state legislatures.

For more information on The Heartland Speakers Bureau, please visit our website or contact Nikki Comerford by email (speaker fees may be waived based on qualifications).

Featured Speakers

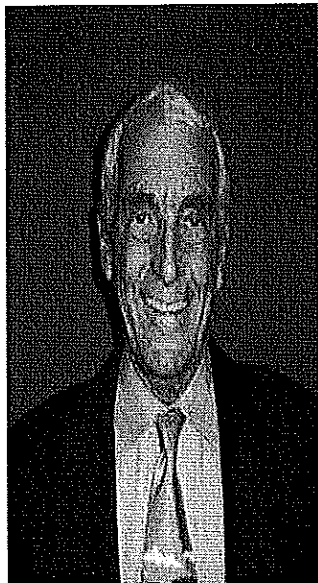


Dr. Tim Huelskamp

Economy, Government & Politics, Regulation

Tim Huelskamp, Ph.D., was named president of The Heartland Institute in July 2017. From 2011 to 2017, Dr. Huelskamp served three terms in Congress representing the 1st District in Kansas. While in Congress, Huelskamp advocated on behalf of conservative, free-market solutions in a wide range of policy arenas and served on numerous committees. On the Veterans Affairs Committee, he was a leader in pushing through a historic health care choice option for veterans.

Dr. Huelskamp helped grow the House Freedom and Liberty Caucuses, chaired and expanded the Tea Party Caucus, fought the Waters of the United States Rule, worked on budgets in the Republican Study Committee, and co-founded Conversations with Conservatives, a monthly House conservative press availability.

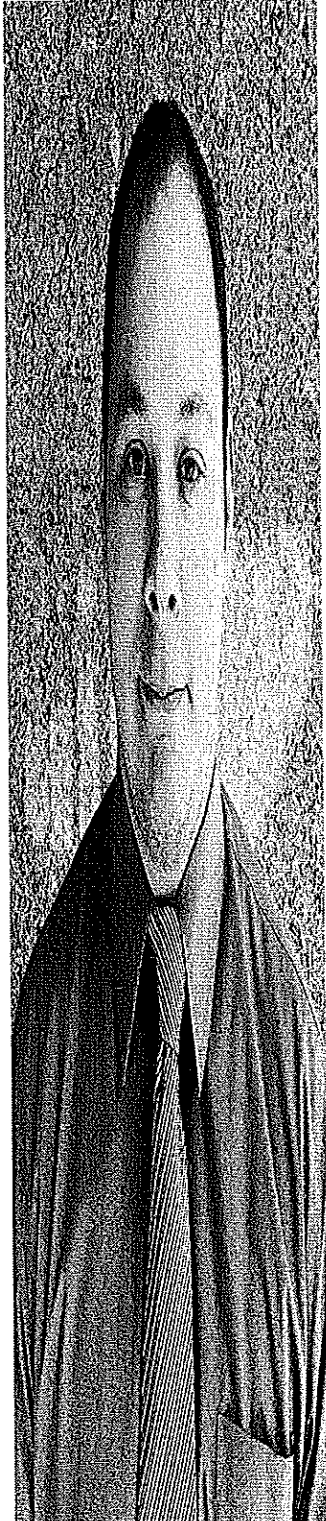


Dr. Jay Lehr

Climate Change, Energy, Environment

Jay Lehr, Ph.D., is the science director at The Heartland Institute. He is an internationally renowned speaker, scientist, and author who has testified before Congress on dozens of occasions on environmental issues and consulted with nearly every agency of the national government, as well as many foreign countries.

Lehr is the author of more than 1,000 magazine and journal articles and 36 books. He is editor of Rational Readings on Environmental Concerns, McGraw-Hill's Handbook on Environmental Science, Health and Technology (2000); Wiley's Remediation Technologies Handbook (2004); the Environmental Instrumentation and Analysis Handbook (2005), the six-volume Water Encyclopedia (Wiley Interscience, 2005); and Wiley Interscience's Nuclear Energy Encyclopedia: Science, Technology, and Applications (2011).



John Nothdurft

**Alcohol & Tobacco, Government Spending,
Taxes**

John Nothdurft joined the staff of The Heartland Institute in May 2008 as Heartland's legislative specialist on budget and tax policy. He was named government relations director in 2010.

Nothdurft is a member of the American Legislative Exchange Council's Tax and Fiscal Policy Task Force, and he has testified before multiple state legislatures on a wide range of issues. His work has been published in scores of publications, including the Chicago Tribune, Milwaukee Journal-Sentinel, Detroit News, Chicago Sun-Times, Atlanta Journal-Constitution, and Investor's Business Daily.



Isaac Orr

Energy, Environment

Isaac Orr is a research fellow for energy and environmental policy at The Heartland Institute. Orr is a speaker, researcher, and writer specializing in hydraulic fracturing, frac sand mining, and agricultural and environmental policy issues. Prior to coming to Heartland, Orr worked as an aide in the Wisconsin State Senate, where he served as a lead-office writer and a policy advisor on frac sand mining and agricultural issues.

Orr has written a Heartland Policy Study on fracking titled "Hydraulic Fracturing: A Game-Changer for U.S. Energy and Economies" and has coauthored multiple policy studies on frac sand mining, including "Environmental Impacts of Industrial Silica Sand (Frac Sand) Mining" and "Economic Impacts of Industrial Silica Sand (Frac Sand) Mining," in addition to his article "Frac Sand Study Lots of Scare, Little Science," published in the Milwaukee Journal Sentinel in October of 2014. His writing has appeared in USA Today, the New York Post, The Hill, Orange County Register, and Washington Times. His work on fracking is also featured in an upcoming book entitled Alternative Energy and Shale Gas

Encyclopedia, published by John Wiley & Sons,
Inc.

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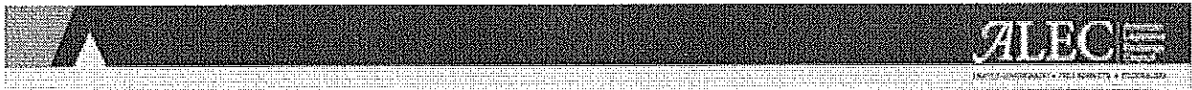
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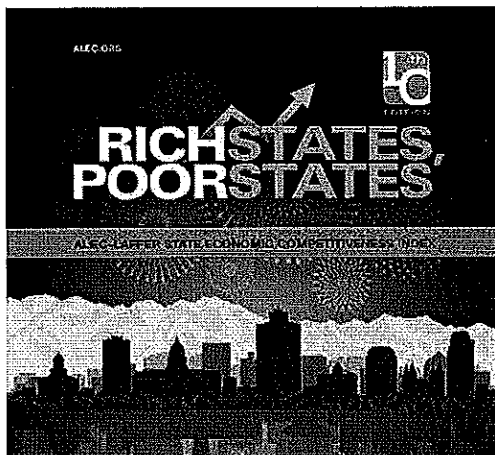


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How Does Your State Rank?

***Rich States, Poor States* Releases its 10th Edition**

ALEC Center for State Fiscal Reform



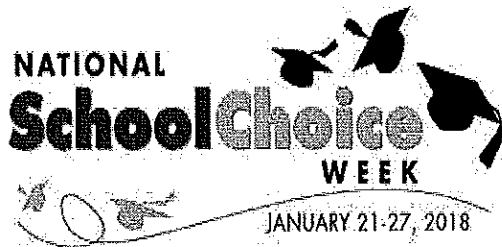
The American Legislative Exchange Council Center for State Fiscal Reform has released its 10th annual edition of *Rich States, Poor States*. You can download a copy of the report [here](#), or visit www.richstatespoorstates.org for more information and resources.

[Download Report](#)

[Visit Site](#)

Coming Up in 2018

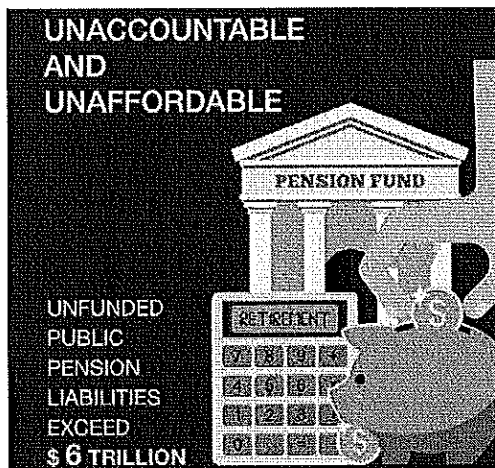
School Choice Week is Coming Up



2018's National School Choice Week is January 21 to January 27, and ALEC will release the 22nd edition of the **Report Card on American Education**. The new report assigns grades to each state based on K-12 performance, progress and reform. You can view the data on www.alecreportcard.org.

[Visit Site](http://www.alecreportcard.org)

Unaccountable and Unaffordable 2017 Member Call

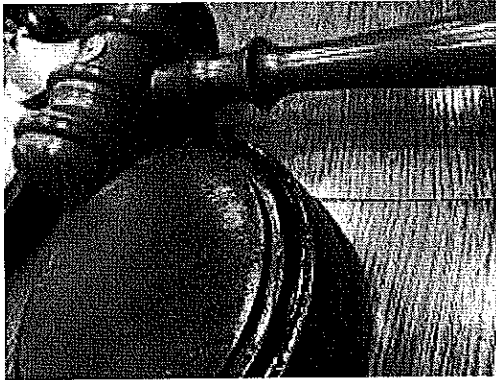


On Thursday, January 11 at 3:00 PM, The ALEC Center for State Fiscal Reform will host a conference call to discuss *Unaccountable and Unaffordable*, which details the crisis of underfunded public pensions across the United States.

[RSVP for Call](#)

[View Report](#)

Review 2017 ALEC Model Policy



= 9 Across three conferences in 2017, the members of the ALEC Task Forces introduced, debated and passed over 50 articles of model policy. As you prepare for 2018, review the draft and final policies from the last year. ***Note:** Policies marked as "Draft" have not yet been finalized by the Executive Committee.*

- **Spring Task Force Summit Model Policy**
- **Annual Meeting Model Policy**
- **States and Nation Policy Summit Model Policy**



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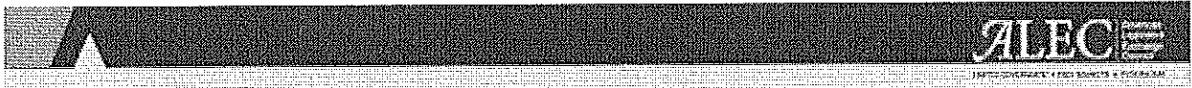
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Facebook Live Event

State Responses to Federal Tax Reform



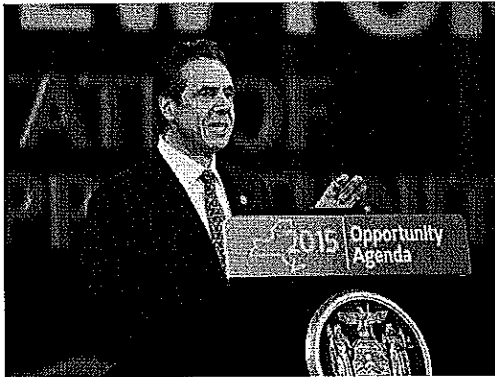
On **Friday, January 12 at 11:00AM**, join Jonathan Williams, Joel Griffith and Thurston Powers of the ALEC Center for State Fiscal Reform for a **Facebook Live event**. They will be discussing different states' responses to Tax Reform, and point out positive and negative trends they are following.

[Go to Facebook](#)

NY State of the States Response

Cuomo's High-Tax State Looks for Loopholes

Thurston Powers | Center for State Fiscal Reform



It's no surprise that Governor Andrew Cuomo used the phrase "economic civil war" more than a dozen times during his speech. After all, railing against the Trump administration serves as an excellent distraction from the policies weighing down one of the most powerful economic engines in the world.

[Read Article](#)

VT State of the State Response

Governor Scott Faces Economic Reality in Vermont

Thurston Powers | Center for State Fiscal Reform



Vermont Governor Phil Scott exemplified non-partisan, economic realism during his state of the state address. Gov. Scott gave voice to an uncomfortable truth: social services are largely contingent on economic growth. The governor bravely warned that without broad, economic growth, even core services such as infrastructure could be curtailed.

[Read Article](#)

Scholar Insight

Now is the Time For Legislators to Change Their Budgeting Process

Bob Williams | *Huffington Post*



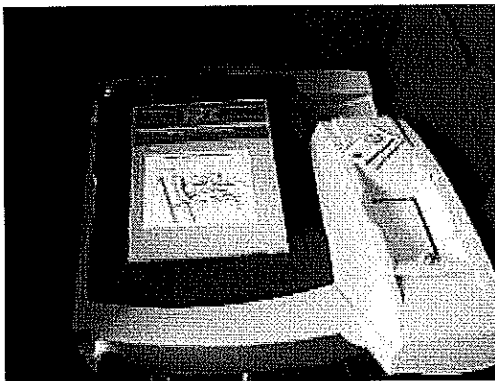
Addressing the broken budget process requires fundamental reforms that will certainly impact popular spending areas such as education, Medicaid, and state employee salaries and benefits—including pensions. Legislators can use this current budget shortfall crisis as an opportunity to transform their state budget process to an outcome, performance-based budgeting system. Both taxpayers and recipients of government services will benefit from the result.

[Read Article](#)

Expert Opinion

Ensuring a Paper Trail for Elections

Jonathon Hauenschild | Communications and Technology/Homeland Security



Most elections infrastructure in state and local governments are over a decade old. The aging electronic systems present unique threats that many state and local governments are not equipped to handle. Aging election infrastructure places the integrity of elections at stake.

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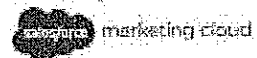


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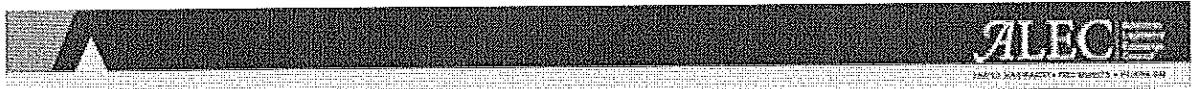
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Center for State Fiscal Reform - January 16, 2018

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From the Desk of Jonathan Williams

State leaders across our nation are commending Congress and President Trump for passing the first major federal tax reform in 31 years and delivering real relief to American taxpayers. Hardworking American families and businesses will now keep more of their own money and the economy will continue to benefit from new investment, job creation and higher wages.

There are complexities that will arise across the states depending on how each state tax code is linked to the federal code. However, this also presents an ideal opportunity to address state level tax reform needs. Roughly half of the states that tax personal income automatically adopt changes to the federal tax code as they are enacted, and the other half generally require deliberative legislative action to adopt federal changes.

We have already seen several governors and leaders address the need for state tax

reform this week. For instance, Iowa Governor Kim Reynolds discussed the importance of tackling tax reform so Iowans don't end up actually paying *more* in state taxes. We expect state reactions to federal tax reform will continue to be a major point of discussion as state legislative sessions ramp up in the coming weeks. I have included a Facebook Live video below where our team discusses how states are reacting to the federal tax changes.

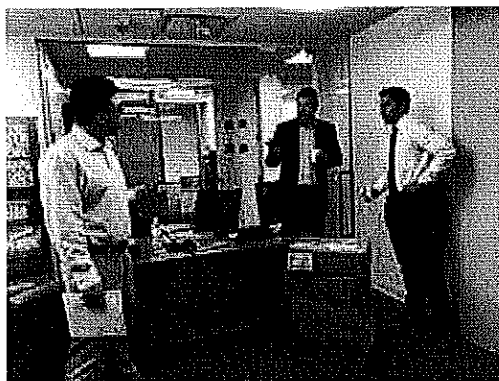
Please don't hesitate to reach out to us whenever the Center for State Fiscal Reform can be helpful during this exciting time for state tax reform.

All the best,

Jonathan Williams
ALEC Chief Economist
Vice President, Center for State Fiscal Reform
[@taxeconomist](#)

Hear From the Experts

Facebook Live: State Responses to Tax Reform



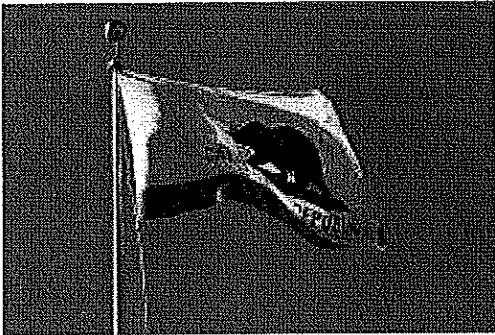
ALEC Tax Experts Jonathan Williams, Joel Griffith and Thurston Powers discuss how some states, such as New York and California, have responded to federal tax reform. If you missed the Facebook live event, you can still view the video on the ALEC Facebook page.

[Watch Video](#)

Expert Opinion

California's Legally Dubious Proposal to Bypass Tax Reform

Joel Griffith | Center for State Fiscal Reform | *The Hill*



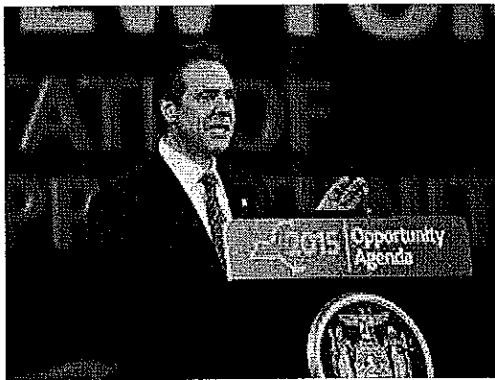
California State Senate Leader Kevin de León recently unveiled a legislative tax evasion scheme to thwart recently passed federal tax reform. Forcing hardworking Americans thousands of miles away to fund a large part of the California government amounts to taxation without representation. Here's how the scheme would work.

[Read Article](#)

State of the State Response: NY

Cuomo's High-Tax State Looks for Loopholes

Thurston Powers | Center for State Fiscal Reform



It's no surprise that Governor Andrew Cuomo used the phrase "economic civil war" more than a dozen times during his speech. After all, railing against the Trump administration serves as an excellent distraction from the policies weighing down one of the most powerful economic engines in the world.

[Read Article](#)

The Williams Report

Williams Report Holiday Update

Bob Williams | Senior Scholar, Center for State Fiscal Reform



Tax scholar Bob Williams highlights important articles dealing with the budget and pensions in the states that you may have missed over the holiday season.

[Read Article](#)



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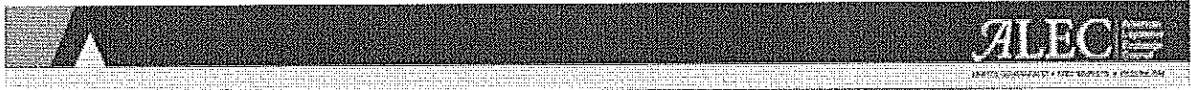
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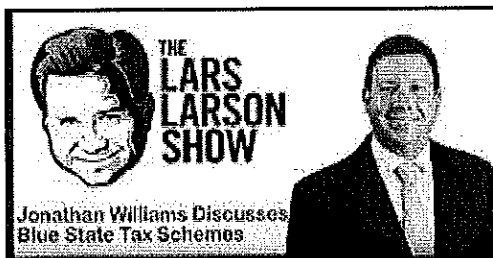
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ALEC on the Radio

Jonathan Williams on the Lars Larson Show: High-Tax States' Sneaky Agendas



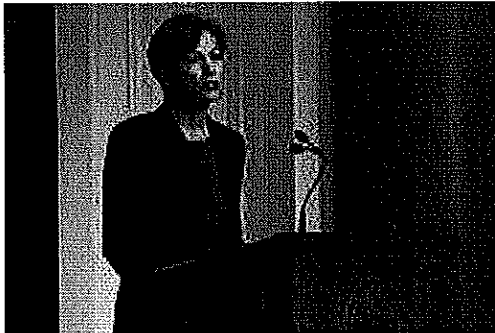
ALEC Chief Economist Jonathan Williams joined the Lars Larson Show last Friday to discuss the "sneaky" agendas that high-tax states may pursue to circumvent tax reform.

[Listen Here](#)

Iowa State of the States Response

Kim Reynolds Promises Bold Tax Reform for Iowa

Christine Smith | Center for State Fiscal Reform



Iowa Governor Kim Reynolds delivered her first Condition of the State address last week in Des Moines. Governor Reynolds expects substantive reforms over a multi-year period and plans to create a bipartisan task force to analyze the state's many inefficient tax credits.

[Read Article](#)

Expert Insight

Allowing Medicaid Work Requirements Will Help Many State Budgets

Brooklyn Roberts | Health and Human Services



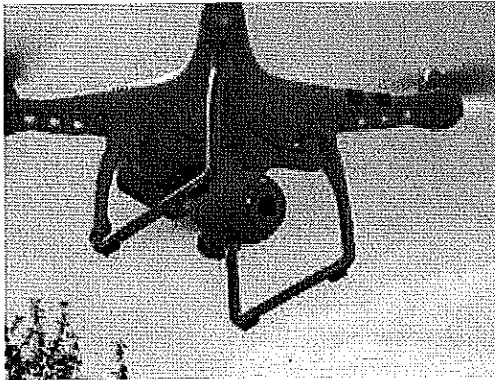
The Trump administration's efforts to give power back to the states may make a big difference to many state budgets. On Thursday, the Department of Health and Human Services issued a guidance letter on Medicaid work requirements. This guidance letter is an effort to provide states with common sense parameters while giving them wide latitude to innovate.

[Read Article](#)

Communications and Technology

Legislative Proposals Affecting Drones for 2018

Jonathon Hauenschild | Communications and Technology/Homeland Security



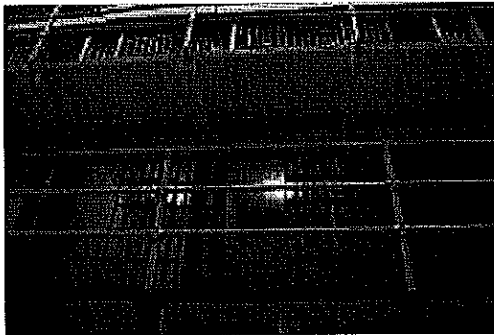
The 2018 legislative session is kicking into gear across the country. A number of states have introduced proposed legislation impacting Unmanned Aircraft Vehicles and Unmanned Aerial Systems (UAVs/UASs), also known as drones. Some of the proposals are simple, while other states have introduced comprehensive regulatory schemes.

[Read Article](#)

Criminal Justice Update

Trump Administration Holds Listening Session on Prisoner Reentry

Ronald Lampard | Criminal Justice Reform



On January 11, Trump administration officials heard from various conservative organizations about why they support reentry policy. Reentry programs in the states have reduced crime rates, which in turn have resulted in budgetary savings due to fewer offenders being incarcerated.

[Read Article](#)

ALEC/FreedomWorks Legislator of the Week

Leading the Fight for Tax Cuts in Maryland

Sen. Gail Bates | Maryland 9th District



This week's ALEC/FreedomWorks Legislator of the Week is **Senator Gail Bates** of Maryland. Gail's careers as a teacher and tax supervisor motivate her to focus on education and tax issues as a legislator. Senator Bates is a supporter of tax reform and hopes it will "encourage Maryland to begin to look at cutting taxes and spending."

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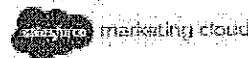


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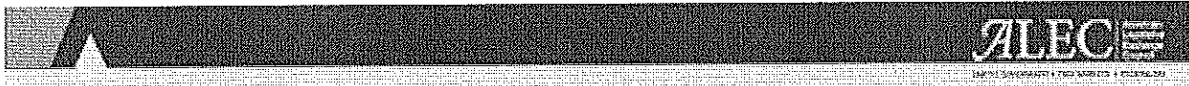
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Communications and Technology Update: January 19, 2018



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Dear Members of the Communications and Technology Task Force and Friends,

= AI trust you all had a great holiday season and that you are ready for the 2018 legislative session. From what I can tell, the legislative session already looks interesting. A number of legislators have proposed laws impacting everything from Unmanned Aerial Vehicles and Unmanned Aerial Systems (UAVs/UASs, colloquially, "drones"), to autonomous vehicles, to Internet Service Providers, and so much more.

For state legislators who want to get more involved with communications issues, the Federal Communications Commission (FCC) issued a [Public Notice](#) expanding the Intragovernmental Affairs Committee. The IAC is a mix of state and local elected officials, think tank scholars, and more. If you would are interested, or would like to apply, please (1) follow this link which provides the information on how to apply, and (2) send me a note at jhauenschild@alec.org. I can help you through the application process and provide advice.

Speaking of the FCC, during the December 14, 2017 open meeting, the

Commissioners voted to finalize the Restoring Internet Freedom Order. The RIF repeals the decision by the Obama Administration to apply heavy-handed, outdated telephone regulations to internet service providers. Shortly after the decision, at least one broadband service provider announced it would invest billions of dollars in infrastructure deployment—billions beyond what was already committed to through the next several years. I have included some resources for you in this email, if you would like to learn more about the FCC's efforts.

Finally, make sure to mark your calendar for Friday, April 27th and the Spring Task Force Summit in Grand Rapids, Michigan. Registration for the will open at the end of the month.

If you have any questions, or any ideas for future newsletters or conference calls, please send me an email at the address listed above.

Regards,

Jonathon Paul Hauenschild, J.D.
Director, Task Force on Communications & Technology
American Legislative Exchange Council
jhauenschild@alec.org
www.alec.org

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What I Am Writing

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- *With the legislative sessions in full swing, a number of states have proposed legislation and finalized regulations impacting drone operations in their states. Find summaries of the proposals, and links, in this article.*
- *A bipartisan group of U.S. Senators recognize the cybersecurity risk posed by an aging election infrastructure. They have proposed legislation to help states modernize their systems and put strong(er) standards in place to avoid election interference from bad actors or foreign states.*

- Last month, the FCC voted to “Restore Internet Freedom.” The vote overturned the Obama-era FCC’s decision to impose heavy-handed, 1930s era telephone regulations on broadband service providers. The FCC’s decision to reverse these anachronistic regulations should help spur investment and infrastructure deployment.
-

What I Am Reading

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- = 9 Apple announced plans to invest \$350 billion in the U.S. economy over the next 5 years. Of the \$350 billion, roughly \$75 billion will be in the form of investments in American manufacturing and a record, repatriation tax it will pay bringing earnings from overseas into the country. It will also spend billions hiring new workers, investing in future jobs, and building data centers.
 - 21 states files suit to re-impose Title II on broadband service providers. Attorneys general from 21 states—4 mostly blue states—files suit against the FCC and Trump administration to strike down the Restoring Internet Freedom Order, seeking to re-impose Obama-era FCC’s 2015 order.
 - China has a unique, ongoing social experiment. The country has launched a program called Zhima Credit. Zhima Credit tracks a person’s “social credit,” or the score assigned to a person for conduct deemed to be positive and beneficial or, conversely, negative and harmful.
-

FCC RIF Resources

- If you would like to read the text of the order and the accompanying one-page fact sheet, this link will lead you there.

- The FCC released a brief, 3-page Myth and Fact Sheet. The Sheet dispels a number of inaccuracies cited by advocates for the Title II regulatory regime.

There are also statements by:

- Chairman Pai
- Commissioner O'Rielly
- Commissioner Carr

ALEC/FreedomWorks Legislator of the Week

Leading the Fight for Tax Cuts in Maryland

Sen. Gail Bates | Maryland 9th District



This week's ALEC/FreedomWorks Legislator of the Week is **Senator Gail Bates** of Maryland. Gail's careers as a teacher and tax supervisor motivate her to focus on education and tax issues as a legislator. Senator Bates is a supporter of tax reform and hopes it will "encourage Maryland to begin to look at cutting taxes and spending."



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PUBLIC POLICY

Tuesday, January 23, 2018



= 9 TOP NEWS

= 9
Analysis

Without 'Smoking Gun,' Feds Face Tough Menendez Retrial

Prosecutors gearing up for the retrial of U.S. Sen. Bob Menendez and a Florida eye doctor face the difficult task of beating the defense that the two men were longtime friends and convincing a jury that they engaged in a bribery scheme without any "smoking gun" evidence, attorneys say. [Read more »](#)

= 9 **Justices Say Clean Water Rule Suits Belong In District Courts = 9**

The U.S. Supreme Court held Monday that challenges to an Obama-era rule defining the federal government's authority under the Clean Water Act belong at the district rather than



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= 9
LAW FIRMS

appellate court level, dealing a blow to executive branch agencies that argued appeals courts were the appropriate venue. [Read more »](#)

= A

Trump OKs New Tariffs On Solar Cells, Washing Machines

President Donald Trump on Monday approved new tariffs and quotas on imports of solar cells and washing machines, capping a pair of contentious trade battles and marking the first time the U.S. has imposed safeguard restrictions since 2001. [Read more »](#)

Pa. High Court Demands Redo Of Gerrymandered State Map

The Pennsylvania Supreme Court became the latest court to weigh in on partisan gerrymandering Monday, finding that the state's congressional map was unconstitutionally drawn by Republican legislators and giving them until Feb. 9 to submit new boundaries to the governor ahead of this year's midterm elections. [Read more »](#)

DHS Waives Environmental Laws To Construct Border Wall

The U.S. Department of Homeland Security announced in a Federal Register notice Monday that it is waiving more than 30 environmental laws to swiftly construct a 20-mile border wall in eastern New Mexico, inciting outrage among conservation advocates. [Read more »](#)

= 9

Trump Signs Bill To Reopen Federal Government

President Donald Trump signed a bill to reopen the federal government on Monday, allowing spending through Feb. 8 after a standoff over the weekend. [Read more »](#)

BANKING & SECURITIES

Adler Pollock

= 9

Akerman

= 9

Alston & Bird

Arnold & Porter Kaye Scholer

BakerHostetler

Beveridge & Diamond

= 9

Bilzin Sumberg

Boies Schiller

Buchanan Ingersoll

Cantey Hanger

Clyde & Co

Consovoy McCarthy

= 9

Cozen O'Connor

Crowell & Moring

DLA Piper

Dentons

= 9

Dilworth Paxson

Drinker Biddle

Duane Morris

Dykema Gossett PLLC

= 9

Earthjustice

Fox Rothschild

Fredericks Peebles

Goldberg Segalla

Goldstein & Russell

Haynes and Boone

Hinshaw & Culbertson

Hogan Lovells

Hunton & Williams

Johnson Webbert

Kirkland & Ellis

Manko Gold

Mayer Brown

Analysis

FDIC Nominee To Face Senate Questions But Little Opposition

Jelena McWilliams is likely to face questions about her views on tools to wind down failing giant financial institutions and a host of other issues at her Tuesday confirmation hearing, but her bid to lead the Federal Deposit Insurance Corp. is expected to proceed without a hitch, experts say. Read more »

ENERGY & ENVIRONMENTAL

Analysis

= 9 Pa. GOP Reg Rollback May Have Legs Despite Unclear Need

After a set of Pennsylvania Republican legislators recently launched a push for a dramatic regulatory rollback — with environmental enforcement squarely in the crosshairs — aimed at making the state more favorable to business, experts have questioned the need for this initiative but say that anything is possible in a year where politicians could face sharp incentives to make a deal. Read more »

= 9

Justices Reject Solar Co. Suit Over Conn.'s Regulatory Power

The U.S. Supreme Court on Monday declined to take up a solar company's appeal challenging Connecticut's program for soliciting renewable energy projects and its renewable portfolio standard, leaving in place a Second Circuit decision that said the state did not infringe on the federal government's powers. Read more »

High Court Won't Hear Bearded Seal Listing Dispute

The U.S. Supreme Court declined Monday to take up efforts to overturn the National Marine Fisheries Service's decision to list a Pacific bearded seal population as threatened, shooting down requests for review by oil and

MoloLamken LLP

Morvillo Abramowitz

Norris McLaughlin

Paul Weiss

Peckar & Abramson

Quinn Emanuel

Robinson & Cole

= 9

Sedgwick LLP

Shook Hardy

Skadden

Steptoe & Johnson LLP

Stevens & Lee

Stoel Rives

Sullivan & Cromwell

Tanenbaum Keale

Thompson & Knight

Van Ness Feldman

White & Case

COMPANIES

AT&T Inc.

Alaska Oil and Gas Association

American Federation of Labor and Congress of Industrial Organizations

American Legislative Exchange Council

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American Petroleum Institute Inc.

Arctic Slope Regional Corp.

CTIA

Cable News Network Inc.

Center for Biological Diversity Inc.

Deepwater Wind

Electronic Arts Inc.

EverBank Financial Corp.

Exxon Mobil Corporation

= 9

Facebook

gas groups, the state of Alaska, an Alaska Native regional corporation and others. Read more »

Exxon Climate Speech Claims Are Empty, AGs Say

ExxonMobil has provided no plausible evidence that climate change probes launched by the attorneys general of New York and Massachusetts amount to a politically motivated conspiracy to deprive the oil giant of its free speech rights on climate issues, the prosecutors told a New York federal judge Friday. Read more »

TRANSPORTATION & INFRASTRUCTURE

= 9

Analysis

Where Things Stand On The Biggest P3 Transpo Projects

The Trump administration's reluctance to shoulder most of the costs for state or local transportation infrastructure projects has increased the pressure on governments to look to private industry to get some of the nation's most crucial projects financed, built and delivered, experts say. Read more »

DC Circ. Skeptical Of UPS' Claims In Shipping Cost Dispute

UPS faced stiff resistance from a D.C. Circuit panel in oral arguments Monday as the package shipper tried to deliver convincing arguments against new federal rules governing what shipping costs the U.S. Postal Service can pass on to consumers. Read more »

EMPLOYMENT

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1st Circ. Tosses Unions' Challenge To RI Pension Changes

The First Circuit on Monday nixed a lawsuit in which unions representing firefighters and

HuffingtonPost.com LLC
Hughes Communications Inc
ISO New England Inc.
Jacksonville Jaguars
Murray Energy Corp.
NBCUniversal Inc.
NFL Enterprises LLC
NJ Transit Corp.
National Association of Manufacturers
Natural Resources Defense Council
New England Patriots
New York Times Co.
QUALCOMM Incorporated
SES SA

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Siemens AG
Sierra Club
Skype Technologies SA
Square Inc.
Statoil ASA
T-Mobile USA Inc.
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Talen Energy Corp.
Tampa Bay Buccaneers
United Parcel Service Inc.

Verizon Communications

Washington Post Co.
Whirlpool Corporation

GOVERNMENT AGENCIES

Alaska Department of Law
Army Corps of Engineers
Bureau of Citizenship and Immigration Services
Bureau of Land Management

police officers employed by the city of Cranston, Rhode Island, challenged modifications to state-run pension plans for government employees on the grounds that they rescinded their members' contractually owed retirement benefits. Read more ½ B

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California's OSHA Passes New Housekeeper Injury Rules

California's health and safety watchdog agency has created new rules intended to reduce injuries that hotel housekeepers often sustain from carrying overly heavy loads, as well as new protections against sexual harassment and assault, according to hospitality workers union Unite Here. Read more »

1st Circ. To Rehear Ex-Maine Speaker's Suit Against Gov.

The full First Circuit said Friday it will reconsider the dismissal of former Democratic Maine House Speaker Mark Eves' lawsuit accusing Republican Gov. Paul LePage of threatening to withhold state funding from a nonprofit that operates a school for at-risk children after the nonprofit hired Eves as its president. Read more »

= 9

Watchdog Sues OSHA, Says It Shields Injury, Illness Info

Watchdog group Public Citizen announced Monday that it has sued the Occupational Safety and Health Administration for illegally withholding from public disclosure records about workplace injuries and illnesses that businesses were required to submit under an Obama-era regulation. Read more »

INTERNATIONAL TRADE

USTR Raps China, Russia For Flouting WTO Rules = 9

The Office of the U.S. Trade Representative released two reports on Friday showing that

Bureau of Ocean Energy Management

Connecticut Department of Energy and Environmental Protection

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Connecticut Public Utilities Regulatory Authority

Employment and Training Administration

Executive Office of the President

Federal Acquisition Regulatory Council

Federal Bureau of Investigation

Federal Communications Commission

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Federal Deposit Insurance Corp.

Federal Election Commission

Federal Emergency Management Agency

Federal Energy Regulatory Commission

Federal Reserve System

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Federal Transit Administration

Financial Crimes Enforcement Network

Fish and Wildlife Service

Government Accountability Office

International Trade Commission

= 9

Los Angeles World Airports

Maryland Department of Transportation

Maryland Transit Administration

National Marine Fisheries Service

= 9

National Oceanic and Atmospheric Administration

China and Russia have not abided by World Trade Organization rules, with the agency saying in the report on China that there are "serious problems" with China's trade regime. Read more »

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TAX

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California Dems Propose 10% State Tax On Corporate Income

California Democrats have presented a constitutional amendment to impose a 10 percent surcharge on corporations with more than \$1 million in net income to the state Assembly, with the purpose of spreading the benefits of the federal corporate tax cut among California's residents. Read more »

IMMIGRATION

DOL Maneuvers To Handle Surge In H-2B Visa Requests

The U.S. Department of Labor will amend its procedures for processing H-2B visa applications this year, following what the agency called an "unprecedented" number of certification bids it received on Jan. 1, according to a notice to be published Tuesday in the Federal Register. Read more »

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Trump Campaign Ad Blames Dems For Immigrant Crimes

= 9 President Donald Trump's re-election campaign unveiled a new ad on Saturday calling Democrats "complicit" in murders committed by immigrants living in the U.S. without legal permission, amid Congress' efforts to reach a compromise on immigration legislation and end the government shutdown. Read more »

= 9

NATIVE AMERICAN

National Railroad Passenger Corporation

New York Attorney General's Office

Occupational Safety and Health Administration

Office of the Comptroller of the Currency

Office of the U.S. Trade Representative

Pennsylvania General Assembly

Pennsylvania Supreme Court

Port Authority of New York & New Jersey

Postal Regulatory Commission

Susquehanna River Basin Commission

U.S. Army

U.S. Civilian Board of Contract Appeals

U.S. Department of Defense

U.S. Department of Energy

= 9

U.S. Department of Homeland Security

= 9

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of the Interior

U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Postal Service

U.S. Senate

= A

U.S. Supreme Court

Feds Tell 10th Circ. Tribe Can't Rely On Fracking Decision = 9

The federal government urged the Tenth Circuit on Monday to reject the Ute Indian Tribe's bid to preserve a lower court ruling that the government didn't have the authority to apply a 2015 fracking rule to tribal land, saying the tribe shouldn't be able to rely on the lower court decision to fight future potential rulemaking on fracking. Read more »

TELECOMMUNICATIONS

Industry Asks FCC To Revise Broadband Subsidy Terms

= 9 Telecom industry groups have urged members of the Federal Communications Commission to reconsider the draft terms of an auction for subsidies to expand rural broadband infrastructure, saying the current draft uses a faulty model that could push potential bidders out of the running. = 9 Read more »

= 9

Satellite Broadband Cos. Want FCC To Include Them In Review

A pair of satellite broadband providers have urged the Federal Communications Commission to include their internet services in its nationwide survey of broadband deployment, accusing advocacy organizations of using "misinformation" to suggest their networks lack the capabilities to be considered in the commission's annual review. Read more »

Telecoms Conditionally Back Emergency Alert Updates

The CTIA and some of its member telecom companies, including AT&T, Qualcomm, Sprint and Verizon, are throwing their conditional support behind updates to the Wireless Emergency Alerts system, cautioning that they

United States District Court for
the Eastern District of
Pennsylvania

United States Geological Survey
Ute Indian Tribe
Wage and Hour Division
World Trade Organization
= 9

shouldn't be allowed to overburden industry, according to ex parte notices to the Federal Communications Commission posted Monday. [Read more »](#)

WHITE COLLAR

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Pa. Mayor Sold Contracts For Campaign Cash, Jurors Told

A federal prosecutor kicked off the corruption case against the mayor of Pennsylvania's third-largest city on Monday as he told jurors during opening arguments about alleged efforts to extort campaign contributions from potential donors, including law firms Stevens & Lee PC and Dilworth Paxson LLP, in exchange for government contracts. [Read more »](#)

= 9

= A NY DAs Urged To Slash Campaign Donations From Attorneys

New York district attorneys should be "blind" to their campaign donors and dramatically lower the cap on contributions from lawyers with cases before their offices, according to a Monday report from Columbia Law School. [Read more »](#)

= 9 PEOPLE

= 9

John Beahn Joins DLA Piper's Telecom Practice In DC

DLA Piper announced last week that it's snagged a Skadden Arps Slate Meagher & Flom LLP telecom expert to join its Washington, D.C., office as a partner, as part of the firm's continuing bid to bolster its intellectual property and technology practice. [Read more »](#)

EXPERT ANALYSIS

= 9

The Next Shutdown: How Gov't Contractors Can Prepare

The short-term spending bill signed on Monday ended the nearly three-day government shutdown, but it is unlikely to put an end to shutdown politics for good, or even for long. Participants in the federal market should review the challenges presented by shutdowns and be ready for what may come, say attorneys with Arnold & Porter Kaye Scholer LLP. [Read more »](#)

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How The Climate Changed For Renewables In 2017

= 9 2017 ended, as it began, with much uncertainty for renewable energy, as the Trump administration continued to move against the Clean Power Plan. But key renewable energy objectives advanced at the state level, and tax reform left the production tax credit for wind energy and the investment tax credit for solar developers intact, says Brook Detterman of Beveridge & Diamond PC. [Read more »](#)

= 9

The Challenges Of Marijuana Banking Just Got Bigger

= 9

A series of issuances from the U.S. Department of Justice during the Obama era provided the basis for the only federal guidance on banking services for the marijuana sector. With Attorney General Jeff Sessions' recent rescission of these DOJ memos, the future of the banking guidance is now unclear, says Elizabeth Khalil of Dykema Gossett PLLC. [Read more »](#)

LEGAL INDUSTRY

Ex-Dentons Atty Charged In Extortion Plot Gets 5 Months

A former Dentons associate arrested on felony extortion charges for allegedly downloading confidential information from the firm and threatening to release it unless the firm paid \$210,000 was sentenced by a California federal judge to five months in prison on Monday, months after agreeing to plead guilty to a misdemeanor. [Read more »](#)

Analysis

Sedgwick's 'Cautionary Tale' For Other Firms

Sedgwick LLP formally closed its main office last week, leaving behind a scattered partnership stretching from London to California, as well as lingering questions about what could have been done differently. [Read more »](#)

= 9

Analysis

15 Minutes With The Jacksonville Jaguars' General Counsel

Cassie Sadowitz, general counsel of the Jacksonville Jaguars, speaks to Law360 about what life is like in the team's legal department as the NFL faces political controversies over national anthem protests, and how she approaches explaining complicated legal matters to nonlawyers within the franchise. [Read more = 2](#)

= 9

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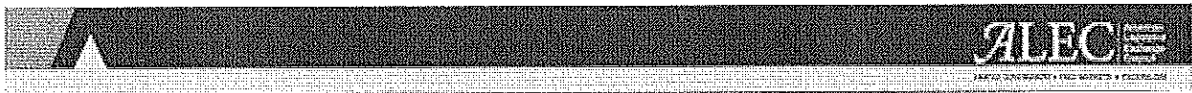
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Center to Restore the Balance of Government-
January 23, 2018



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Convention of States Update

Nashville Hosted a Convention of the States in June 1850 and ALEC in December 2017

Karla Jones | Federalism and International Relations Task Force



Federalism took center stage at the most recent States and Nation Policy Summit in Nashville, Tennessee, December 6-8, 2017. Here are some of the highlights:

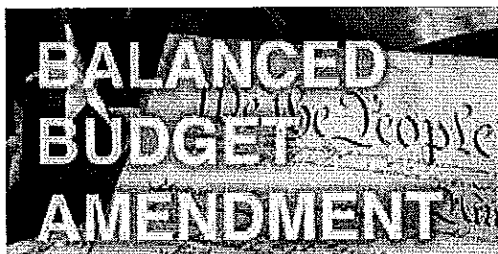
- Former Virginia Attorney General Ken Cuccinelli addressed the importance of a balanced budget amendment to America's fiscal sustainability at a conference-wide breakfast session. A workshop giving lawmakers the tools to implement Cuccinelli's ideas using Article V of the U.S. Constitution followed the breakfast.



- The Federalism Task Force was treated to a presentation from the Chair of last September's Phoenix Planning Convention to consider potential rules for an Article V amendments convention.
- The Task Force heard a presentation on the challenges that overregulation poses to the states, and model policy supporting the REINS Act was considered and adopted.
- The Federalism Task Force also considered and adopted model policy calling for a repeal of the 17th Amendment. The Federalism Task Force will meet again in August 2018 in New Orleans

What to Read

The Balanced Budget Campaign Update Is Important Reading



This bi-weekly newsletter is a great way to stay on top of progress being made to secure the applications needed for the states to propose a Balanced Budget Amendment to the U.S. Constitution.

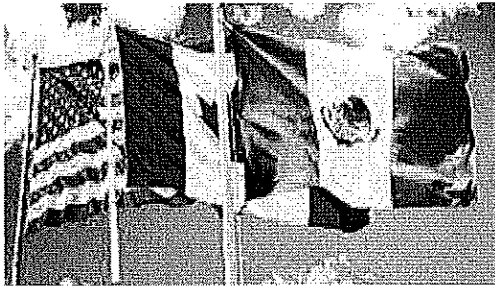
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[View Newsletter](#)

NAFTA Insight

NAFTA Has Been a Winner for the States

Karla Jones | Federalism and International Relations Task Force



Despite its imperfections, the states have been notable NAFTA beneficiaries and have the most to lose if the Agreement falters. A recently published report stated that Michigan, Wisconsin, Missouri, Ohio and Indiana would be among the top 10 losers if NAFTA is dissolved. Millions of American jobs are supported by NAFTA, and all but one U.S. state count Canada or Mexico as a top three trading partner. While ready for modernization, NAFTA has been good for the nation and good for the states.

[Read Article](#)

International Democracy

Democracy's Tenuous Hold in Turkey

Caroline Caywood | Federalism and International Relations Task Force



Turkey has become a disappointing example of a nation that once held so much democratic promise but where the institutions underpinning rule of law seem to be faltering in dramatic fashion. Late last year, Turkey's Chief Prosecutor issued a warrant for former CIA officer, Graham Fuller, alleging links between Fuller and Muslim cleric Fethullah Gulen, marking the latest chapter of the disintegration of liberal democracy in a nation that just a few years ago appeared to be a democratic success story. The latest series of threats to Turkish democracy have come about under the presidency of Recep Tayyip Erdogan, who has consolidated power into what is becoming an increasingly authoritarian regime.

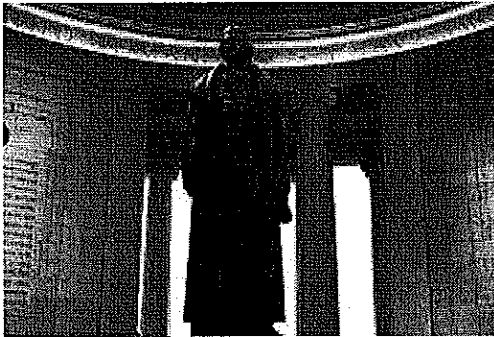
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Focus on Federalism

Federalism – Getting Back to Basics

Justin Stapley | The Federalist Coalition



"We must learn and engage the art of coalition if we are to avoid becoming yet another principled movement whose talk was tough but left empty its list of achievements."

Many and various have been the arguments, in this new political era we find ourselves in, that we are experiencing the age of unprincipled movements, fueled by resentment and identity as opposed to values and ideals. However, hidden from the general coverage of media surrogates (both right and left), is an ever-growing list of principled and grassroots movements trying to make their voices heard amidst the partisan squalor.

[Read Article](#)

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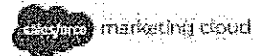


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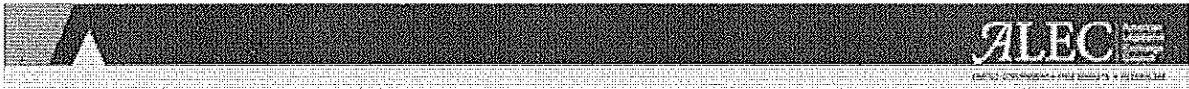
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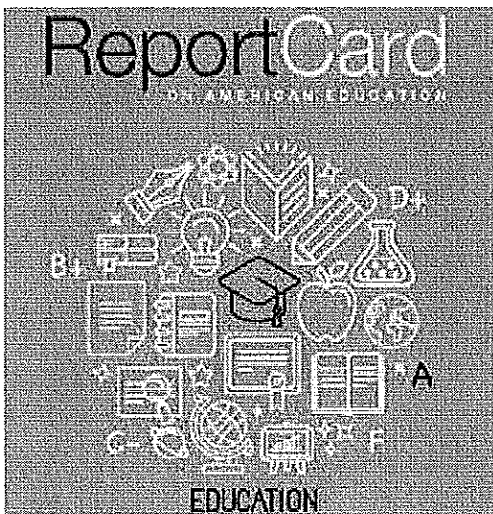
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Publication Release

ALEC Releases 22nd Edition of the *Report Card on American Education*

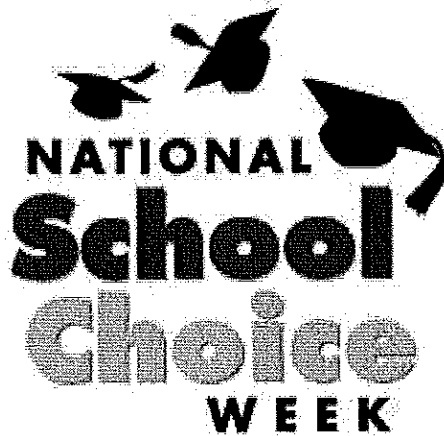


The American Legislative Exchange Council released the 22nd Edition of the Report Card on American Education in conjunction with National School Choice Week. The report highlights the successes and failures of the American education system graded across six categories. A focus of this report is the availability of school choice options in the states. = 2Allowing every student to find the right educational fit should be at the top of every citizen's priority list," said report author Inez Stepman.

[Read Report](#)

ALEC In Action

National School Choice Week and ALEC



The ALEC Education and Workforce Development Task Force is excited to bring education policy to you with a number of events and activities in conjunction with National School Choice Week:

- ALEC will be hosting a Facebook Live Interview with Task Force Director Inez Feltcher Stepman on **Thursday, January 25 at 2PM**. Visit the ALEC Facebook page to tune in and ask questions.
- Ms. Stepman also spoke at a Heritage Foundation breakfast on Thursday, January 25 to introduce the ALEC-Heritage Education Freedom Ranking.
- Ms. Stepman was in Charleston, West Virginia on Tuesday with WV Senator Patricia Rucker discussing education policy and school choice with a number of experts and policymakers.

[Go to Facebook](#)

Report Card on American Education Website

Does Your State Make the Grade?

Compare Your State Education Policy

WWW.ALECREPORTCARD.ORG

ReportCard



The Report Card on American Education website is a great resource to see where your state ranks against others. Run a side by side comparison or generate custom report cards to see how adjustments can affect state rankings. Visit www.alecreportcard.org to check it out.

Visit Website

School Choice Week in 140 Characters

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Tweet Your Support For School Choice Week: Click Below



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Education savings accounts are a bold endeavor in #schoolchoice TPR experienced their impact firsthand in October -



Annual Meeting 2017 Session Recaps | K-12 Education | Th...

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State Policy Network

@statepolicy

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Arizona is transforming kids' lives through Empowerment Scholarship Accounts. spn.org/arizona-univer... #schoolchoice

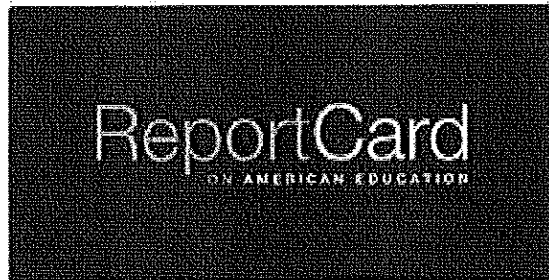


Arizona Makes History with Nation's First Universal Private...
Arizona's Universal Private School Choice Program helps more than 3,000 Arizona students excel in an academic setting that meets their needs.

3:12 PM - 23 Jan 2018



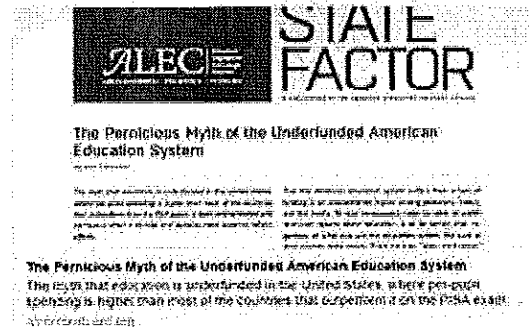
Learn why New York recieved a "C" on @ALEC_states Report Card on American Education: alecreportcard.org #SchoolChoice #SchoolChoiceWeek



Education Report Card
Report Card on American Education: K-12 Performance, Progress and Reform
alecreportcard.org



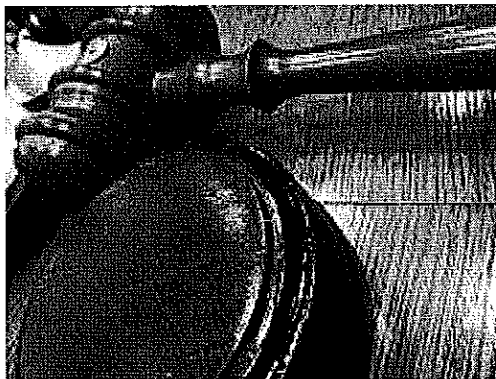
Does your state give you a choice when it comes to choosing your child's education? #schoolchoice [youtube.com/watch?v=kXa0bX...](https://www.youtube.com/watch?v=kXa0bX...)
Read more:



2017-2018 - 2018-2019

Model Policy Update

SNPS Model Policy Finalized



Model Policy that was passed at the 2017 States and Nation Policy Summit has been finalized. The final versions of these model policies are available on www.alec.org.

[View Model Policy](#)



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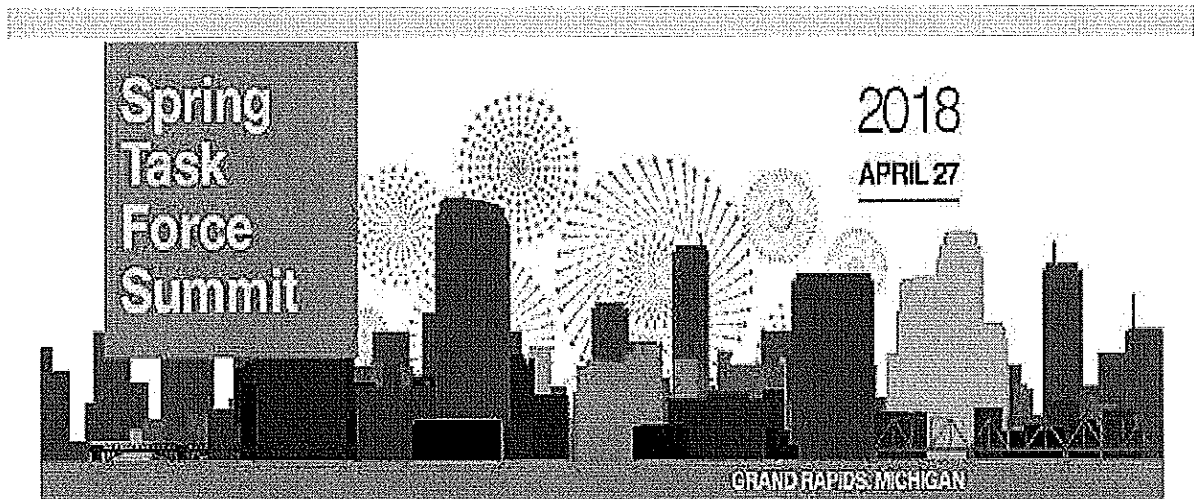
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Dear Friends -

2018 marks the ALEC 45th anniversary, and what better way to recognize the important role of ALEC than to participate in the first meeting of our 45th year--the Spring Task Force Summit. Registration is now open for the **2018 Spring Task Force Summit** taking place in **Grand Rapids, Michigan** on **April 26, 2018**.

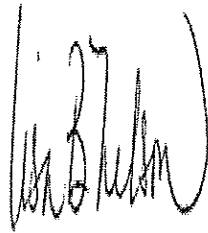
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As I have said before, it is a great time to be at ALEC and NOW is the time for you to bring your friends and colleagues. ALEC is where the action is; where debate happens, and where ideas are tested. To help make it easier for you and others to attend the 2018 Spring Task Force Summit, we are offering a **20% discount** on registration prices for the **next 7 days**.

Register now and use the code **STFS18-20percent** at check out to take advantage of the discount.

I hope you will join us in Grand Rapids for what is sure to be a great day of policy discussion and debate. Start the year off right and register now!

Sincerely,



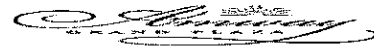
Lisa B. Nelson
Chief Executive Officer
American Legislative Exchange Council



**Registration is now open for the
2018 Spring Task Force Summit**

Don't forget to use the discount code
below to receive 20% off the registration
cost.

STFS18-20percent



**Make your reservation today at
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Book now through April 6, 2018* at the
ALEC rate of \$179 per night.

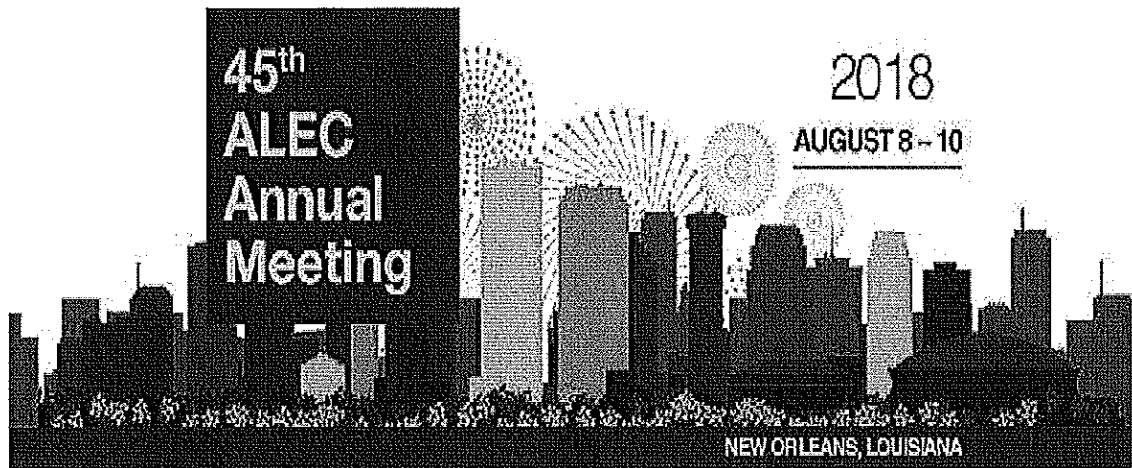
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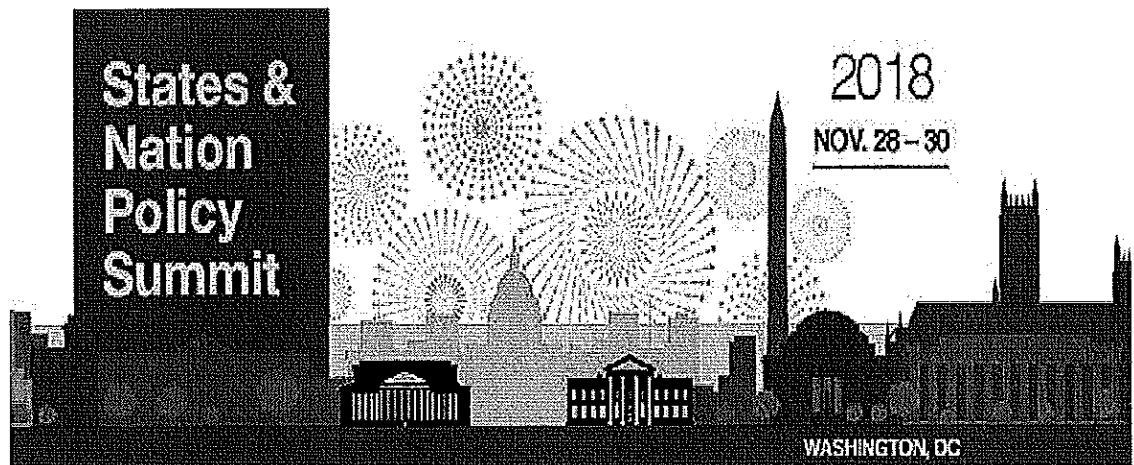
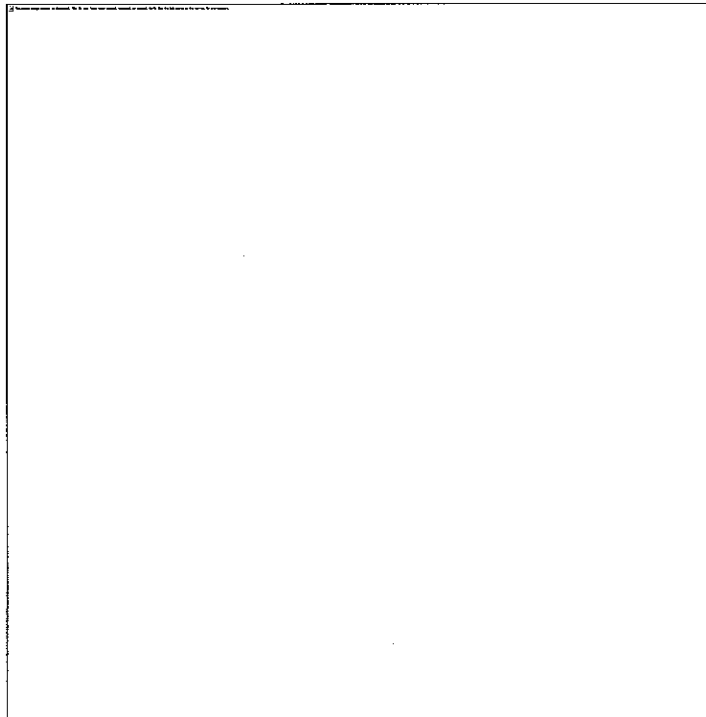
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Save-the-Date





We look forward to seeing you in 2018!

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**Commerce, Insurance and Economic
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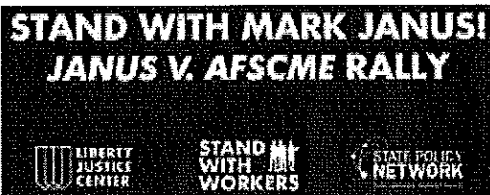


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The Commerce, Insurance and Economic Development Task Force will be sending out monthly e-mails containing relevant articles and links we are following. Please feel free to respond with commentary and/or update us with any additional thoughts.

ALEC in Action

Join ALEC at the SPN and Liberty Justice Center *Janus v. AFSCME* Rally



On Monday, February 26, The Supreme Court will hold oral arguments for *Janus v. AFSCME*. Join the State Policy Network and Liberty Justice Center for a rally outside the Supreme Court to stand up against mandatory union fees.

[Learn More](#)

Labor Focus

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Learn More About "Dues Skimming"

State Policy Network



State governments take an estimated \$250 million from Medicaid, Child Care and Development Fund, and Temporary Assistance for Needy Families recipients and give that money to Unions. Learn more about "dues skimming" from the State Policy Network

[Go to Site](#)

Expert Opinion

Businesses Face Challenges With Impending Wage Hikes

Robert Ordway | Commerce, Insurance and Economic Development



As Americans look to an exciting new year and politicos start gearing up for mid-term elections, 18 states along with 19 localities will be raising their minimum wage. When wages rise arbitrarily for employees but skill sets do not increase proportionately, employers will either reduce their workforces in people or hours, raise prices on customers or just go out of business altogether. Regardless of the option chosen, the entry level worker will feel the negative effects most.

[Read Article](#)

Economic Liberty

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Dick Carpenter Discusses Occupational Licensing

Russ Roberts | *EconTalk*

ECON TALK

Dick Carpenter of the Institute for Justice and author of *Bottlenecks* talks with *EconTalk* host Russ Roberts about his book--a look at how occupational licensing and other regulations protect existing job holders from competition.

[Listen Here](#)

Right to Work Update

Kentucky Challenge to Right to Work Dismissed

The Associated Press



In a legal victory for Kentucky's Republican governor, a judge has dismissed a lawsuit filed by organized labor leaders who challenged the state's right-to-work law. Governor Matt Bevin said Wednesday that the judge's ruling confirms the right-to-work law is on solid legal ground and the legal challenge was "appropriately smacked down."

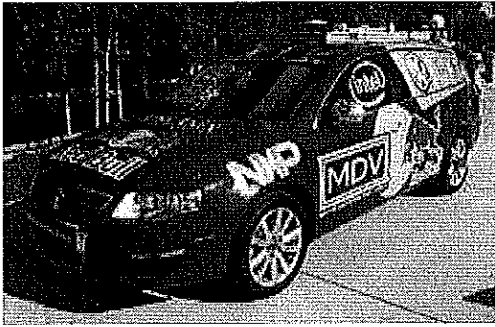
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Transportation Focus

States Embrace the Benefits of Autonomous Vehicles

Sara Friedman | *GCN*



With officials in Colorado and at the University of Michigan planning to put autonomous shuttles on the roads this year, state and local agencies across the country are working with industry to establish policies and regulations. An understanding of the technology can help municipalities make decisions for their long-term planning purposes.

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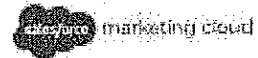


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Independent Business
Michael D. Gallagher, Entertainment
Software Association
Richard S. Holson III, Guarantee Trust
Life Insurance
Laura Lane, United Parcel Service

Dear Members,

Forty-five years ago, a group of state leaders came together to form the American Legislative Exchange Council--people like Lew Uhler, Lou Barnett, Mark Rhoads, Henry Hyde, Terry Branstad and John Engler. They knew then, as we know now, that legislators and members of the private sector working together can have a more meaningful impact and create more opportunity for Americans than the government can working alone. They understood that a grassroots network of liberty-minded advocates was fundamental to spreading good ideas, but they likely had no idea how important ALEC would become.

For forty-five years, ALEC has been ahead of the

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curve on tax and fiscal policy, lawsuit reform, education choice, criminal justice and so many other issues fundamental to the American way of life. And, because of our focus on federalism rather than one-size-fits-all policy, ALEC has been able to put forth winning ideas--ideas that were more deeply vetted and more consistent with the will of the people.

Over the past year, the federal government has taken great steps to return power to the states. Through landmark tax reform and rule making designed to reduce the size of the federal government, our national leaders have signalled that now is the time for states to lead.

Just last night, the President offered a vision of a government that works hard to protect taxpayers and focuses on economic security for the middle class. Over the past year, that vision has become a reality with an \$8 trillion increase in the stock market, 2.4 million new jobs, a record low for unemployment and businesses reinvesting in the states.

The past two months of bonus and compensation announcements across the American business landscape confirm to the American people what we already know: sound policy that unburdens American entrepreneurs and businesses yields a positive outcome for all Americans.

So as the 2018 legislative session heats up in your states, remember the ALEC mission and vision in all that you do. Limited government, free markets and federalism are a winning recipe for growth and opportunity.

I hope you will join me in celebrating the ALEC 45th Anniversary both in Washington, DC on

September 26, and in your state.

Together, we can ensure ALEC continues it's
ascendent path for another 45 years.

Sincerely,
Lisa B. Nelson
Chief Executive Officer
American Legislative Exchange Council

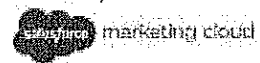


The American Legislative Exchange Council is the largest voluntary organization of conservative state legislators. ALEC works to advance the principles of limited government, free markets, and federalism at the state level.

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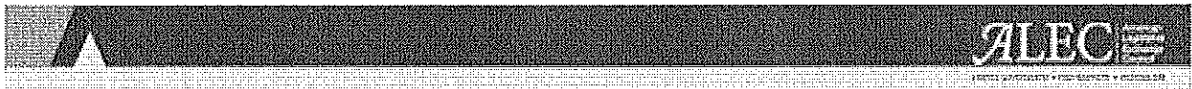


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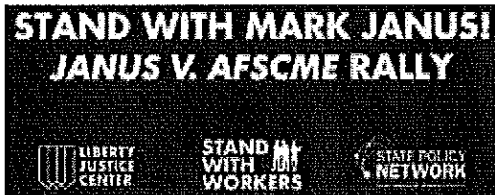
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ALEC in Action

Join ALEC at the SPN and Liberty Justice Center *Janus v. ASFCME* Rally



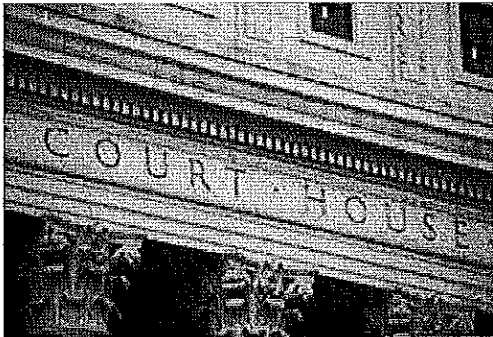
On Monday, February 26, The Supreme Court will hold oral arguments for *Janus v. AFSCME*. Join the State Policy Network and Liberty Justice Center for a rally outside the Supreme Court to stand up against mandatory union fees.

[Learn More](#)

Criminal Justice Reform

ALEC Signs Letter in Support of Alabama's Juvenile Justice Task Force Recommendations

Lacey White | American Legislative Exchange Council



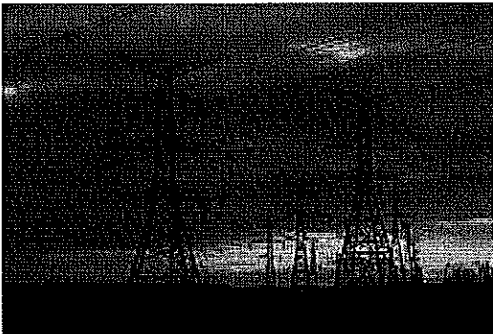
On Thursday, January 25, the American Legislative Exchange Council signed a letter in support of the recommendations recently finalized and released by the Alabama Juvenile Justice Task Force. The recommendations made are both cost-effective and productive, while simultaneously improving public safety.

[Read Article](#)

Energy and Infrastructure

Protecting Everyday Life Means Protecting America's Infrastructure

Grant Kidwell | Energy, Environment and Agriculture



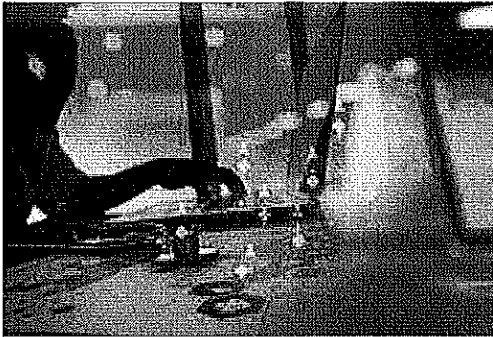
This winter Americans have seen the importance of well-working infrastructure as much of the country has faced freezing temperatures. But it's not always Mother Nature that strains and damages our nation's infrastructure; sometimes, it's human influence.

[Read Article](#)

Healthcare

The Amazon Experiment

Brooklyn Roberts | Health and Human Services



Earlier this week, Amazon, Berkshire Hathaway and JP Morgan Chase announced a new venture into the healthcare arena. Free markets have historically been the source of the most efficient and cost-effective solutions to problems—regardless of the industry. Experimentation in the private sector is a big step toward improvement.

[Read Article](#)

ALEC-FreedomWorks Legislator of the Week

Honoring Blue-Collar Roots and Protecting Taxpayers

Representative Ryan Warner | PA-52



This week, ALEC and FreedomWorks introduce **Pennsylvania State Representative Ryan Warner**. Warner is a down-to-earth legislator who enjoys rebuilding late-model Ford F-150s in his free time. An outspoken advocate of economic development, Warner sees one of his greatest challenges as "working to change the economy of our region from one that was based on steel and coal and expanding it to more diverse industries."

[Read Article](#)

State of the States Analysis

ALEC Analyzes State of the State Addresses

ALEC Center for State Fiscal Reform



The Center for State Fiscal Reform has been authoring analyses of the State of the State addresses from across the nation. The center is focused on highlighting both strong and weak tax policies outlined in the speeches, and their effects on the specific states. New this week are articles for the [South Dakota](#), [West Virginia](#), [Idaho](#) and [Florida](#) addresses. You can view all the entries by clicking below.

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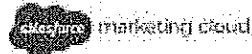


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ARTICLE V
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Newsletter - Edition 61 February 2018

Providing Article V / Federalism News and Scholarly Resources Since 2013

This month...

- **This Newsletter Includes a Comprehensive Review of**

Article V Efforts One Month into 2018

Legislative

Sessions

BUT FIRST...

- **New Book Debunks ‘We Don’t Know How Conventions Work’ Claim**
- **Numerous Writers Express Support for a Constitutional BBA**
- **Candidates for Federal Offices Promise Support for a BBA**
- **First Guldenschuh Article V Progress Report of 2018**

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Book Debunks ‘We Don’t Know How Conventions Work’ Claim –

A new book has just been released that sheds much needed light on the forgotten history of an American tradition: conventions of the states. It is a must-read for legislators (state and federal) and by citizen activists who care about correcting the shortcomings of the federal government.

The book, by retired business executive Michael Kapic, is titled ***“Conventions That Made America... A Brief History of Consensus Building”***. The 105-page book covers notable government-related conventions over the past 3+ centuries. It is intended to be used by decision-makers and legislators with little reading time.

Mike says *“[T]he founders gifted us with a way to solve today’s problems when*

they installed Article V in the Constitution. But they also assumed we'd still be using the vehicle of that era to implement it. The problem is that most American's today don't know the long and storied history of our American problem-solving process."

He notes that "The tales of our conventions is not well known outside of the historical and scholarly community and not readily reachable or easily readable by the public. That has resulted in patriots who recognize the country's dilemma, but don't understand that the method for fixing it has been used many times in our history."

Michael Farris, co-founder of the Convention of States Project says, "This book is compiled from scholars and organizations original sources and shows the administration of the more notable conventions. It attests to the validity of a tried, workable, and safe method for the people and their states to safe-guard their Constitutional government."

Arizona State Representative Anthony Kern says, "Historical and informative, this book removes any doubt, fear, or confusion regarding the need to call for an Article V Convention."

"Mike Kapic's book thwarts one of the primary arguments against calling a convention: that we don't know the rules and the process is uncertain," says author and Constitutional lawyer Dustin Romney. "It demonstrates that we know the general rules and we know the process."

Lauding the new book, Arizona State Representative and Majority Whip Kelly Townsend says, *"One of our top priorities is educating the public, as well as government officials, about previous conventions that have taken place."*

This timely presentation allows the reader to quickly review America's history of solving problems that federal legislatures and politicians could not. This is the history of the origins of Article V and how the states can repair what's broken in DC. The author noted that, *"It is time to bring back this genuine, proven, and safe American tradition so the people and their states can take control of their government again."*

The book is available in print and for Kindle from Hunt for Liberty by clicking [HERE](#).

Numerous Writers Express Support for a Constitutional BBA –

Under the headline ***"Balanced Budget Amendment Needed Now"***, respected syndicated columnist George Will makes a strong case that a Constitutionally-mandated federal fiscal restraint is critical.

He says, *"The federal debt held by the public was 39 percent of GDP 10 years ago; it is 75 percent today. Before last month's tax changes, the debt was projected to reach 91 percent in 10 years. No one knows if the tax changes will hasten this; no one should assume that they will not. No one knows at what percentage the debt's deleterious effect on economic growth becomes severe; no sensible person doubts that there is such a point."*

His column was initially carried in the **Washington Post**, and was re-published in the **Albany (NY) Democrat-Herald**, **The Mercury News** (San Jose, CA), **SouthCoast Today**, (New Bedford, MA), **The News-Banner** (Bluffton, Indiana), and the **Denver Post**. The entire column can be read [HERE](#).

The January 11 edition of **National Review** carried a recent speech by Christopher C. DeMuth, former president of the American Enterprise Institute. DeMuth focused on the need for a balanced budget amendment.

He said, "For most of American history — from 1789 through the late 1960s — we did adhere to a balanced-budget rule through broad, bipartisan consensus. Regular government operations were held to a balanced budget; borrowing was limited to wars, other emergencies, and investments such as territorial expansion and transportation; and incurred debts were paid down diligently."

"But our now-gargantuan public debt is largely the result of routine borrowing for current consumption. This is certainly unsustainable and likely to lead to serious grief before long. But it is also a big problem right now. It is corrupting the relationship between citizen and government, and it is leaving us poorly prepared to respond to big emergencies when they arrive, as inevitably they will. American politics is at its best when responding to big, ambitious, unifying challenges. I conceive of a campaign for a balanced-budget amendment as

such a project — focused on public education about the perils of our current practices, and calling for a secular reawakening. 20

Read DeMuth's entire speech [HERE](#).

Heartland Institute's staffer Jesse Hathaway wrote an op-ed piece for **DailyCaller.com** entitled ***"Here's How State Legislators Can FINALLY Fix the National Debt In 2018"***.

His prescription? *"This would best be accomplished with the passage of a state-led federal balanced budget amendment."*

Hathaway points out, *"Although Congress seems content to merely talk about this problem, state lawmakers have the ability to fix Washington, DC, by forcing Congress to adopt an amendment mandating a balanced budget. This would help restore state legislatures' role as masters of the federal beast, putting people and the states back in charge of public servants in the national government."*

He says, *"Congressional leaders have flirted with balanced budget amendments since 1936, but they have never succeeded, or even come close, to actually passing such a requirement using the normal top-down method. But where the federal government has failed, state lawmakers have taken control in recent years, with many states choosing to pass legislation calling for an Article*

V convention.” Read Hathaway’s article [HERE](#).

During January **The Hill** carried an op-ed by Jenny Beth Martin, chairman of Tea Party Patriots Citizens Fund, entitled “**A 2018 agenda for President Trump**”.

Ms. Martin offered seven suggestions. One of which was, “*enact a balanced budget amendment: For too long, the federal government has had a spending problem.... It’s time to finally put some restraint on politicians in Washington, D.C., by using the bully pulpit of the presidency to get Americans on board with forcing Washington to live within its means, just as the rest of the country must.*” Read her op-ed [HERE](#).

Candidates for Federal Offices Promise Support for a BBA –

Many campaigns for the 2018 elections are well underway. Here are some examples of how increasing public support for a BBA and a term limits amendment are impacting positions taken by candidates for federal offices.

South Carolina Congressman Joe Wilson says “*We must protect our children’s future by reining in Washington’s out of control spending. I have consistently supported a balanced budget amendment to the Constitution...*”

In announcing his candidacy for a Pennsylvania Congressional seat, Art

Halvorson said he supports *"term limits on Congress, ... and the Balanced Budget Amendment..."*

New Hampshire Congressional candidate Mark Hounsell has announced that he supports a balanced budget amendment, saying the birth of his granddaughter this past November opened his eyes *"even further to the need to continue in our efforts to leave the world a better place."*

In announcing his candidacy for the US Senate from Nebraska, Todd Watson promised *"to cut federal spending, (and) balance the budget."*

Todd McKinley announced his candidacy for Tennessee's First Congressional District by telling the local newspaper that *"he is in favor of a balanced budget amendment..."*

Minnesota State Rep. Jim Newberger is running for a seat in the US Senate. Newberger is very vocal in his support for a BBA and is demonstrating his support by trying to lead the Minnesota legislature to adopt a resolution calling for a BBA-focused Article V convention.

First Guldenschuh Article V Progress Report of 2018 –

The ***Article V Convention Legislative Progress Reports***, produced regularly by Georgia attorney David Guldenschuh have resumed with the start of the 2018 state legislative season. His one-page reports quickly summarize the status of each active Article V campaign.

The February edition of Guldenschuh's Report was not ready at press time, but it will be posted at <http://articlevcaucus.com/progress-report-on-article-v-efforts/> by Tuesday, February 6.

A Comprehensive Review of Article V Efforts

One Month into 2018 Legislative Sessions –

Now that 2018 legislative sessions are underway, state legislators are beginning to file bills meant to lead to an Article V state-led convention to propose one or more Constitutional amendments. Thirty-four similar applications are required to trigger an amendment-proposing convention.

Balanced Budget Amendment Task Force (BBATE). This campaign, seeking to insert a federal fiscal responsibility provision into the US Constitution, currently has 28 states supporting its single-subject application. Here is their current activity:

Maine: HJR1251 was introduced on January 25 by Rep. Nathan Wadsworth, Rep. Norman Higgins and Rep. Steven Stanley as a bipartisan bill.

South Carolina: HCR3473 has Rep. Peter McCoy as primary sponsor has one additional co-sponsor. It was introduced in January 2017 and was referred to the House Judiciary Committee. SCR547, introduced in March 2017, has Senator Shane Massey as primary sponsor and 6 co-sponsors. Both bills are believed to be alive.

Virginia: SJR26 was filed on January 4 by Senator Emmett Hanger. It has been referred to the Rules Committee. SJR11, a similar measure, was offered on January 10 by Senator John

Cosgrove.

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Washington State: HJM4017 was introduced on January 19 by Rep. Cary Condotta and 5 co-sponsors. The bill has been referred to the State Government, Elections & Information Technology Committee.

BBATF also has efforts underway in Idaho, Kentucky, and Minnesota.

Convention of States Project (CoSP). So far 12 states have adopted the CoSP application for a convention to propose its recommended three-subject proposals. Here is their current activity:

Idaho: HCR32 was introduced on January 26 by the House of Delegates State Affairs Committee. This bill varies from other currently adopted CoSP measures in that it does not support a term limits element. The bill is currently pending in the House Judiciary, Rules & Administration Committee.

Iowa: HJR12, SJR8, and SSB1110 were all introduced in March 2017 by the House of Delegates and Senate Judiciary Committees. HJR12 was approved in the House by a vote of 58 to 38 last March. SJR8 was voted out of a sub-committee on January 24. These bills all vary from other currently adopted CoSP measures in that they do not support a term limits element.

Illinois: HR110 was introduced in February 2017 with Rep. Robert Martwick as the primary sponsor, along with 6 co-sponsors. It was referred to the Rules Committee.

Kentucky: HJR81 is sponsored by Rep. Regina Huff. Introduced January 19, it has been referred to the House Elections, Const. Amendments & Intergovernmental Affairs Committee.

Maine: HJR1232 was introduced on January 16 by Rep. Nathan Wadsworth and Rep. Stephen Stanley as a bipartisan bill. It has been referred to the Committee on State and Local

Government. A hearing is scheduled for February 7.

Maryland: SJR8 was introduced on January 25 and received a first reading before the Education, Health, and Environmental Affairs Committee. Senator Gail Bates is the primary sponsor, and there are 13 co-sponsors.

Michigan: HJRV was introduced in September 2017 with Rep. Lee Chatfield as the primary sponsor. It has 17 co-sponsors and has been referred to the Committee on Government Operations.

Minnesota: HB2690 with Rep. Duane Quam as primary sponsor has 11 co-sponsors. It was introduced in May 2017 and has carried over. It is currently in the Government Operations and Elections Policy Committee.

Nebraska: LR6 was introduced in January 2017 with 12 sponsors, including Senator Steve Halloran. A co-sponsor was added on January 16, 2018.

New Hampshire: HCR10 with Rep. Scott Wallace as prime sponsor and Rep. Marc Abear as co-sponsor was introduced on January 3. It has been referred to the House State-Federal Relations and Veterans Affairs Committee.

New Jersey: SCR28 was introduced on January 9 by Senators Joseph Pennacchio, Michael Doherty and 4 co-sponsors. ACR73 is the House version of this bill with 3 sponsors and 6 co-sponsors.

Ohio: SJR1 was introduced in 2017 by Senator Matt Huffman and 3 co-sponsors. It was referred to the Government Oversight and Reform Committee and appears to still be active. HJR2 is a companion House bill introduced by Rep. Christina Hagen, Rep. Bill Patmon and 12 co-sponsors.

South Carolina: SJR878 with Senator Shane Massey as primary sponsor has 11 co-sponsors. It was introduced on January 9 and was referred to the Senate Judiciary Affairs

Committee. A similar bill, SCR86, was introduced in January 2017 with Senator Lawrence Grooms as sponsor and 12 co-sponsors. That bill appears to still be alive, but inactive. A related bill, HJR3233, was also introduced in 2017 and still appears to be alive. It shows Rep. Bill Taylor as primary sponsor and has 32 co-sponsors.

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South Dakota: SJR3 was introduced on January 22 with Senator Richard Curd and 22 co-sponsors. It has been referred to the Senate State Affairs Committee.

Washington State: HJR4006 with Rep. Jesse Young as primary sponsor has 14 co-sponsors. Introduced on January 8, the bill has been referred to the House State Government Committee. Companion measure SJM8003 was introduced on January 19. It has been referred to the Senate State Government, Tribal Relations & Elections Committee.

CoSP reports that it now has 3.1 million citizen supporters. The group also has efforts underway in Virginia.

Compact for America (CfA). CfA has a single-subject proposed Constitutional amendment: a BBA. Its approach varies from the above two campaigns in that it involves a formal compact between states to support a specifically-worded proposed amendment. Five states have signed onto the compact.

Just before deadline Chip DeMoss, CEO of the CfA effort sent the following information.

"Our prime focus is on working with the Administration to hold a White House Summit on the role of the states in bringing fiscal responsibility to DC. We would bring key state legislative leaders and strategic partners to the event. We have had two key meetings already with Administration officials and have received a good reception. We have outlined some next steps and are awaiting further response. All of this is designed to ultimately allow for the passage of the Compact activating resolution in Congress. Passage would be a big incentive to the states to get the job done."

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"We are working in six legislatures currently on passage of the Compact bill. The current approach is for the Compact Commissioners to deal directly with legislative leadership. That approach appears to be working for now. The Commissioners have requested that we keep these states confidential for the time being until the bills have been filed."

US Term Limits (USTL). Two states (Florida and Alabama [see below]) have adopted resolutions supporting the single-subject objective of this group: term limits for members of Congress. This organization has finally started to move forward. Here is where they are currently active:

Alabama: HJR23 was introduced on January 9 with Rep. Kerry Rich with 31 co-sponsors. A couple days later the Alabama House unanimously (both Republicans and Democrats) approved the measure. On January 25 the Alabama Senate concurred, formally adopting this Article V application.

Arizona: HCR2024 was introduced on January 25 by Rep. Darin Mitchell and 6 co-sponsors as a bipartisan bill.

Georgia: SR195 was introduced during March 2017 with 6 prime sponsors and 8 co-sponsors. Shortly after introduction the Senate approved the measure by a vote of 31 to 19. It is currently pending in the House Rules Committee. The companion House measure, HR217 also has 6 prime sponsors, but also languishes in the House Rules Committee.

New Hampshire: HCR12 was introduced on November 3, 2017 by Rep. Scott Wallace with 3 co-sponsors. It has been referred to the House State-Federal Relations and Veterans Affairs Committee.

South Carolina: HCR3567 with Rep. Eric Bedingfield as primary sponsor has 6 co-sponsors. The bill was introduced in February 2017. SCR545 with 2 sponsors was introduced in March 2017. Both bills were referred to their respective Judicial Committees, and both bills appear to be alive.

USTL is also currently active in Alaska, Colorado, Maine, Maryland, Missouri, Pennsylvania, Tennessee, Texas and Utah.

Campaign Finance-related Article V Measures – Early on these efforts were spearheaded by a group calling itself Wolf-PAC. It is no longer clear who is leading this growing campaign which generally seeks a Constitutional amendment principally aimed at overturning the Supreme Court's Citizens United decision. Here are the current states considering resolutions on the same general topic:

Iowa: SJR5 was introduced in February 2017 by Senator Joseph Bolcom and one co-sponsor. SJR8, similar to SJR5, was introduced on January 9 showing the Senate State Government Committee as the sponsor. HJR8 was also introduced in February 2017 by Rep. Liz Bennett and 6 co-sponsors. Both bills appear to still be alive. These bills deal with proposing Campaign Finance Reform. A related bill, HJR12 was introduced in April 2017 showing the House of Delegates Judiciary Committee as the sponsor.

Maine: SJR667 was introduced on January 16 by two Senators and two Reps. The bill applies for an Article V convention to propose an amendment "to restore free and fair elections".

Maryland: SJR7 was introduced on January 24 with Senator Paul Pinsky as the primary sponsor, along with 24 co-sponsors. Calling for a "Democracy Amendment", this Article V application is similar to several others which seek to overturn the Supreme Court's Citizens United decision. The measure has been assigned to the Education, Health, and Environmental Affairs Committee.

Nebraska: LR268 with Senator Bob Krist as primary sponsor was introduced in January 2017. It had its first reading on January 4, 2018, with a hearing scheduled for January 24, 2018. The resolution would call for an Article V convention to deal with "fair and free

elections". The resolution seeks to be considered along with resolutions from other states that generally seek to overturn the Supreme Court's Citizens United decision.

New York: SB3317 was introduced on January 3 with 10 Senate sponsors. AB5109 is a similar bill introduced in the House on the same date with 35 sponsors. The bills are proposed Acts rather than Resolutions, but they call on Congress to "to call a national constitutional convention to propose amendments in order to address concerns raised by the decision of the United States Supreme Court in Citizens United v. Federal Election Commission".

South Carolina: HCR4174 (with a single sponsor) and SCR571 (with 2 sponsors) were introduced in 2017. Both bills appear to still be alive. These bills deal with proposing Campaign Finance Reform.

Washington State: On January 9, 2017 SJM8000 was introduced with Senator Dean Takko as primary sponsor, supported by 14 co-sponsors. Although the "Whereas" clauses talk about the need for campaign finance reform, as written this is essentially an application for an "open" Article V convention. The bill appears to be alive, residing in the Senate State Government, Tribal Relations & Elections Committee. A more recent version of this measure, HJM4003, was introduced in January 2018 with Rep. Jessyn Farrell as primary sponsor and 23 co-sponsors.

Similar efforts are known to be underway in Hawaii, New Jersey, and Virginia.

Article V Convention Delegate-related Bills – At the September 2017 Arizona Article V Planning Convention delegates voted to encourage all state legislatures *"to enact delegate selection legislation at the earliest opportunity"*. These are states currently considering such actions:

Nebraska: LB1058 is billed as a "Faithful Delegate to Federal Article V Convention Act". It was introduced on January 17 by Senator Steve Halloran as prime sponsor. The bill has 15 co-sponsors. It has been referred to Government, Military and Veterans Affairs Committee.

New Hampshire: HB1268 was introduced on January 3 with Rep. Timothy Horrigan as primary sponsor. This bill establishes a procedure for the selection of delegates to an Article V convention. It is pending before the House Legislative Administration Committee.

Virginia: SJR31 was introduced on January 8 by Senator Mark Peake. Then companion measure HJR49 was introduced on January 19 with Delegate Mark Cole as primary sponsor. Both measures have 2 co-sponsors. This resolution establishes "procedures for selecting and replacing commissioners to represent the Virginia General Assembly at interstate conventions (including Article V conventions), for clarifying the scope of authority of commissioners and committees at such conventions, for enforcing limits on such authority, and for prescribing an oath to be taken by interstate convention commissioners."

An effort is also known to be underway to propose such legislation in Michigan.

Another Related Bill of Interest –

New Hampshire: HJR4 is not actually an application for an Article V convention. Rather, it is a resolution "urging Congress to apply laws equally to United States citizens and members of Congress", while urging sister states to hold an Article V convention for the same purpose. The measure has 10 sponsors and has been referred to the House State-Federal Relations and Veterans Affairs Committee.

Who Said It?

**Ronald Reagan helped launch the state-led campaign for a BBA
in the mid-1970s.**

**Since then, Washington has spent nearly \$12 trillion on interest
(over \$100,000 per tax-payer), and borrowed nearly \$18.5 trillion
(over \$150,000 per tax-payer), costing each taxpayer over \$250,000.**

Each year we don't act, another \$14,000

**(\$10,200 borrowed, and \$3,800 blown on interest)
is added to each tax-payers burden.**

Lisa Nelson, CEO
American Legislative Exchange Council

This Newsletter is produced by
Colorado State Senator Kevin Lundberg (senatorlundberg@gmail.com)
and New Mexico State Representative Yvette Herrell (yherrell@yahoo.com)
Newsletter Editor - Stuart MacPhail (CitizenAmend@aol.com)

Official Web Site: www.ArticleVCaucus.com

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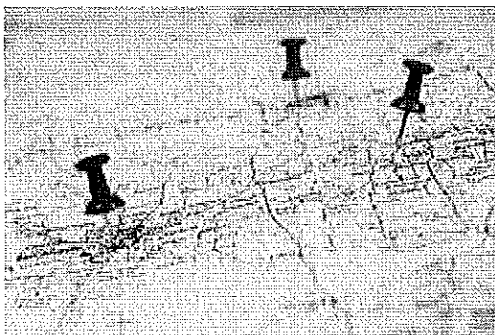
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Center to Protect Free Speech Starts Off 2018 with Multiple State Issue Briefs

Contact Shelby Emmett for more information: Semmett@alec.org

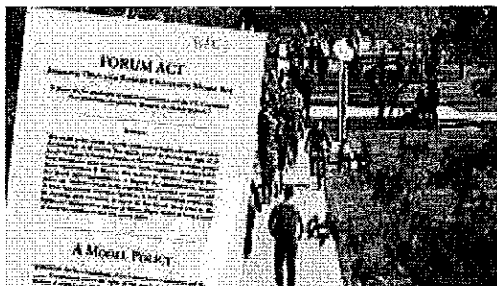


The Center to Protect Free Speech has been busy holding issue briefs in states across the country—and it's only the first week of February. So far, the Center has traveled to Nebraska and Missouri. The Center will be traveling to Kansas and Pennsylvania in the coming months. If you'd like to schedule an issue briefing in your state, [contact Center Director Shelby Emmett](#).

Campus Speech

ALEC Model Policy, the Forming Open and Robust University Minds (FORUM) Act Gains Momentum in the States

Shelby Emmett | Center to Protect Free Speech



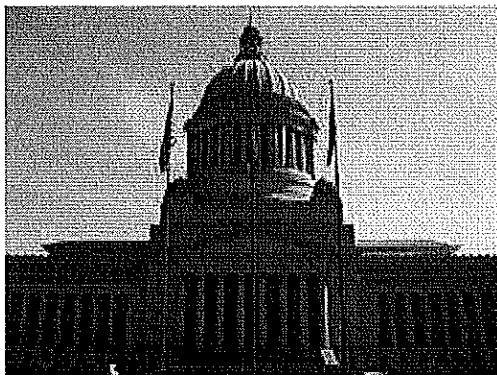
The FORUM Act has brought together student groups, free speech advocates and legislators as they work to protect free speech for all students on campus. To date, legislation has been introduced in South Carolina, South Dakota and Iowa. The Center has also helped educate lawmakers as they tackle free speech on campus in Arizona, Florida, Nebraska and Georgia. If you have questions about free speech in your state, please contact the Center. We are here to help!

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Donor Privacy/Disclosure

Washington State Legislators to Nonprofits: Give Us Your Donor List or Shut Up

Alex Baiocco | *Institute for Free Speech*

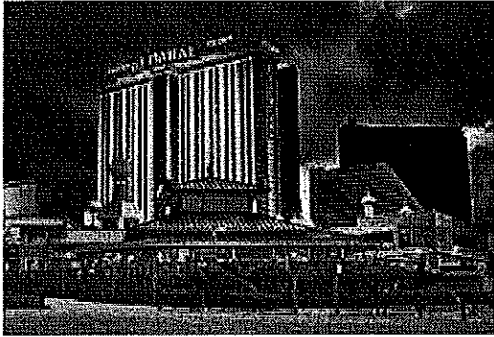


Alex Baiocco writes a great piece about the Washington DISCLOSE Act on the Institute for Free Speech website. If your state is considering DISCLOSE-type legislation please contact the Center. You may be surprised how bills intended to provide transparency may actually violate the Free Speech rights of individual donors and non-profit organizations. For more information about donor disclosure bills, check out the Donor Disclosure Legislative Toolkit.

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Commercial Speech

Commercial Speech in New Jersey: Judge Grants a Preliminary Injunction Against the State's BYOB Advertising Ban on the Basis that it Constitutes a Content-Based Restriction



GJJM ENTERPRISES, LLC v. CITY OF ATLANTIC CITY et al. tackles with the struggles businesses have advertising because of content-based advertising restrictions.

The Tale of Electronic Billboards, Beautiful Communities and the (Outdated) City Ordinance in Kenosha

Rex Davenport | *Kenosha News*



Every city council has to balance two very important issues: an aesthetically pleasing community and the ability for businesses to advertise and grow. [Read here to learn how the city of Kenosha, Wisconsin](#) is trying to strike the right balance to protect commercial speech and a beautiful city.

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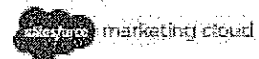


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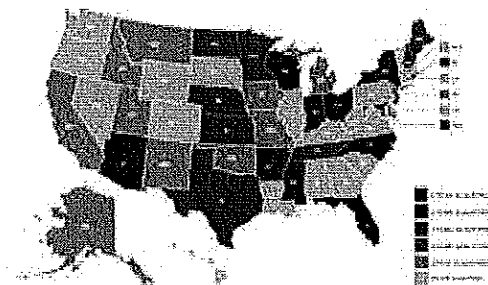


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Tax Cut Roundup

Center for State Fiscal Reform Holds Conference Call on *Tax Cut Roundup*

FOR MORE INFORMATION, VISIT: ALEC.org/StateFiscalReform



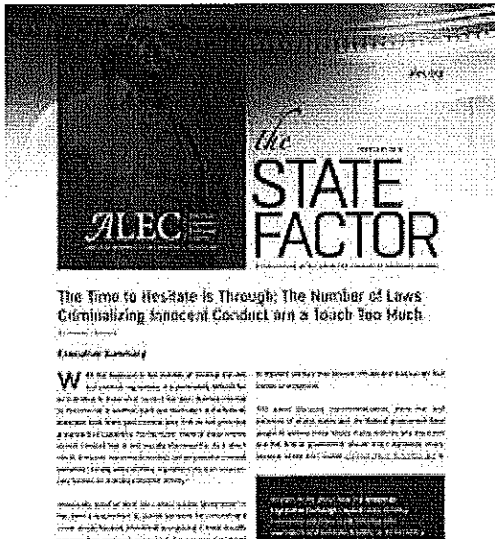
The ALEC Center for State Fiscal Reform will be holding a conference call on **Friday, February 16 at 11:00 AM** to discuss its upcoming report, *Tax Cut Roundup*. To RSVP for the call, fill out the form linked below.

RSVP For Call

Criminal Justice

New State Factor: The Number of Laws Criminalizing Innocent Conduct Are Too Much

Ronald J. Lampard | Criminal Justice



With the explosion in the number of criminal statutes and criminal regulations, it is particularly difficult for an individual to know what conduct has been deemed criminal or noncriminal. In addition, each year lawmakers at the federal, state and local levels pass criminal laws that do not prescribe a standard of culpability. This new report discusses the importance of *mens rea* reform and reducing overcriminalization, as well as exploring state policy trends on the issues.

[Read Publication](#)



ALEC will also be hosting a Facebook Live event with report author Ronnie Lampard to discuss the new publication, as well as discussing the importance of *mens rea* reform and how states can benefit from it. The event will take place on **Friday, February 16 at 1:00 PM**. Tune in to the ALEC Facebook page to hear from our policy expert and ask your questions.

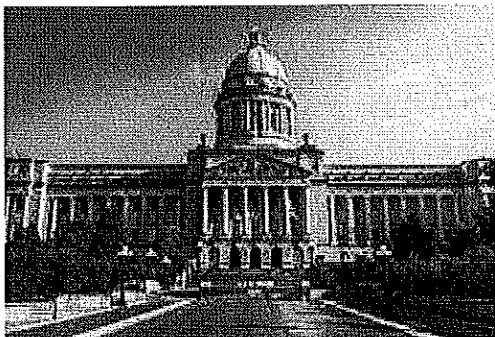
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State of the States Analysis

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ALEC Tax Experts Analyze State of the State Addresses

ALEC Center for State Fiscal Reform



The Center for State Fiscal Reform is continuing its in-depth analyses of the State of the State addresses from across the nation. The center is focused on highlighting both strong and weak tax policies outlined in the speeches, and their effects on the specific states. This week's new additions are analyses of the **Kentucky**, **Michigan** and **Missouri** addresses. You can view all the entries by clicking below.

[View Articles](#)

ALEC-FreedomWorks Legislator of the Week

Defending and Protecting our Constitution

Representative Kelly Townsend | AZ-16



This week, ALEC and FreedomWorks introduce **Arizona State Representative Kelly Townsend**. Representative Townsend is a retired Navy aircraft mechanic who takes the oath she made to defend the Constitution very seriously, commenting that her reason to seek office was that, "the rights and protections the Constitution affords the people in my district are the foundation of this country and I felt called to office in order to strengthen and defend them."

Townsend is particularly proud of her work on passing a resolution calling for an **Article V** Convention of States. Following that, she was made the Chair of the **Balanced Budget Amendment Planning Convention** held in Phoenix in August 2017, and continues to work on the issue.

[Read Article](#)

STFS Registration

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Registration Open for the 2018 Spring Task Force Summit



Registration is now open for the **Spring Task Force Summit**. This year's summit will be on April 27, 2018 in Grand Rapids, Michigan. To register, follow the link below. If you have any questions about STFS, please contact Mason Hunt at mhunt@alec.org

[Register Here](#)



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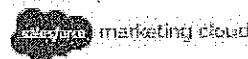
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